



# FAIRFAX TOWN COUNCIL REGULAR MEETING

## STAFF REPORT

**MEETING DATE** June 5, 2024  
**PREPARED FOR** Town Council  
**PREPARED BY** Heather Abrams, Town Manager  
**SUBJECT** Authorize the Mayor to Sign Grant Agreement with the California Coastal Conservancy for Funds to Aid in the Acquisition of the Wall Property

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### RECOMMENDATION

Authorize the Mayor to Sign a Grant Agreement with the California Coastal Conservancy for Funds to Aid in the Acquisition of the Wall Property

### BACKGROUND

On May 22, 2024, Council approved the Memorandum of Understanding (MOU) Between the Town of Fairfax and the Marin Open Space Trust (MOST) Regarding the Acquisition of the Wall Property and Authorized the Mayor to sign the MOU. Closed sessions had been held on May 16, May 8, April 3, and January 24, 2024, regarding the price and terms of the property.

On September 6, 2023, the Town Council authorized the Mayor and Vice Mayor to negotiate and execute an agreement with the Marin Open Space Trust (MOST) regarding the exploration and possible purchase for open space of the 100-acre property commonly referred to as the Wall Property.

As described in Mayor Coler's Council Member Memorandum on September 6, 2024, the Council Subcommittee is comprised of Mayor Coler and Councilmember Cutrano. The Council appointed the Subcommittee on August 29, 2023, and since that time the Subcommittee has been meeting with various stakeholders. MOST also has completed a number of activities related to the property. MOST initiated and paid for an appraisal; contracted for a preliminary geotechnical report in cooperation with the Town and other public entity(s) to focus on landslide risks and on reasonable mitigation measures. Based upon the appraisal, MOST entered into a Vacant Land Purchase Agreement and Joint Escrow Instructions (a.k.a., the Purchase Agreement) dated November 4, 2023, with the owner of the Property, Marinda Heights, LLC, a California limited liability company. The Purchase Agreement provides an adequate period of time for further due diligence and fundraising. Among other things, MOST continues to work with all interested parties to secure the necessary funds for the purchase of the property. The Subcommittee and MOST continue to work with the Marin County Open Space and Parks District (MCOSD) on property management matters, also with other stakeholders on funding and other issues related to our shared conservation goals for the property. In addition, the Town changed its website to direct all Wall donations to [MOST](#); the Town's Open Space Committee held two highly successful Wall fundraising events with all funds sent directly to MOST; and several Town businesses held an evening event with a portion of proceeds, again, sent directly to MOST for the Wall Property .

MOST and the Town have been working together to achieve a common conservation goal—the permanent protection of the property (i.e., 100-acre unimproved property in the Town of Fairfax, California, referenced as Assessor Parcel Numbers 001-150-12, 001-160-09, 001-171-51, and 001-251-31, and commonly known as the Wall Property or 400 Marinda Drive, Fairfax, California). **The purposes**

**of the acquisition are for the protection, restoration, and enhancement of natural resources, wildlife habitat, open space, cultural resources, and compatible public access.**

The MOU memorialized the intent of MOST and the Town of Fairfax to assign the Purchase Agreement to the Town after all funds for the purchase and stewardship have been deposited into escrow. The Town will accept the assignment and the owner will transfer title of the Wall Property to the Town. In return, MOST committed to raise the funds (\$2,300,000) for the purchase of the Wall Property (and for \$500,000 in costs) and to convey the escrow account with all funds and the Wall Property to the Town (on or before October 29, 2024). In turn, the Town will accept title to the Property. The Parties envision that the Property will be protected in perpetuity as public open space accessible to all, and integrated into the surrounding protected properties. The Town will manage the Property as an open space preserve consistent with the acquisition purposes outlined above.

17 speakers at the May 22, 2024 Council meeting made public comment in support of the item and there were none opposed. A number of Town Newsletter articles and newspaper articles have been published to inform the public regarding the effort.

**DISCUSSION**

As discussed at the May 22, 2024, Council Meeting, a grant application was submitted to the California Coastal Conservancy. Shortly thereafter, the State of California budget issues appeared to delay or cancel those funds' availability. However, the Coastal Conservancy now has award of \$500,000 for preservation of the Wall Property on the consent calendar of its June 6, 2024 meeting ([item E](#)). The attached resolution will authorize the Mayor to sign all agreements and documents needed to accept the Coastal Conservancy grant, if awarded, and thereby continue the successful group fundraising effort to purchase and preserve the Wall Property.

**FISCAL IMPACT**

If awarded by the Coastal Conservancy, this action would allow the Mayor to sign the grant agreement needed to accept \$500,000 in grant funds for the express purpose of purchasing and preserving the Wall Property as open space.

**ATTACHMENT**

Resolution

**RESOLUTION NO. 24-\_\_\_**

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FAIRFAX AUTHORIZING THE MAYOR TO SIGN THE GRANT AGREEMENT TO ACCEPT COASTAL CONSERVANCY GRANT FUNDS OF UP TO \$500,000 FOR THE PURCHASE AND PRESEVATION AS OPEN SPACE OF ASSESSORS PARCEL NUMBERS 001-251-31, 001-150-12, 001-160-09, and 001-171-51, COMMONLY KNOWN AS THE WALL PROPERTY**

**WHEREAS**, Council appointed a Subcommittee on August 29, 2023, to help preserve as open space the Assessor’s Parcel Numbers (APNs) 001-251-31, 001-150-12, 001-160-09, and 001-171-51, commonly known as the Wall Property (“Property”); and

**WHEREAS**, On September 6, 2023, the Town Council authorized then Mayor Cutrano and then Vice Mayor Coler to negotiate and execute an agreement with the Marin Open Space Trust (MOST) regarding the exploration and possible purchase for open space of the 100-acre Property; and

**WHEREAS**, Council met in closed session on January 24, 2024, April 3, 2024, May 8, 2024, and May 16, 2024 regarding the price and terms of the property; and

**WHEREAS**, On May 22, 2024, Council approved the Memorandum of Understanding (MOU) Between the Town of Fairfax and the Marin Open Space Trust (MOST) Regarding the Acquisition of the Wall Property and Authorized the Mayor to sign the MOU; and

**WHEREAS**, a grant application was submitted to the California Coastal Conservancy for funds to aid in the acquisition and preservation of the property as open space; and

**WHEREAS**, The Coastal Conservancy will consider awarding up to \$500,000 for preservation of the Wall Property on the consent calendar of its June 6, 2024 Board meeting; and

**WHEREAS**, the Town Council desires to authorize Mayor Coler to accept the Coastal Conservancy grant funds, if awarded, to aid in the acquisition of the Property; and

**WHEREAS**, the Town Council further desires to authorize the Mayor to sign the Grant Agreement and any accompanying documents required to accept the Coastal Conservancy grant funds for the Property.

**NOW, THEREFORE, THE TOWN COUNCIL OF THE TOWN OF FAIRFAX, CALIFORNIA, DOES RESOLVE, DECLARE, DETERMINE AND ORDER AS FOLLOWS:**

The Mayor of Fairfax California is authorized to sign the Grant Agreement and any accompanying documents required to accept Coastal Conservancy grant funds of up to \$500,000 for acquisition and preservation as open space of APNs 001-251-31, 001-150-12, 001-160-09, and 001-171-51, commonly known as the Wall Property.

ADOPTED ON JUNE 5, 2024.

ATTEST:

\_\_\_\_\_  
BARBARA COLER  
MAYOR

\_\_\_\_\_  
CHRISTINE FOSTER  
DEPUTY TOWN CLERK

I, Christine Foster, Deputy Town Clerk of the Town of Fairfax, hereby certify that Resolution No. 24-\_\_ is a full, true, and correct copy, and was duly adopted at a meeting of the Town Council of the Town of Fairfax on Wednesday, June 5, 2024, by the following vote:

**AYES:**  
**NOES:**  
**ABSENT:**

**IN WITNESS WHEREOF**, I have hereunto set my hand and affixed the official seal of the Town of Fairfax, California, on \_\_\_\_\_.

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CHRISTINE FOSTER  
DEPUTY TOWN CLERK