


Meeting Agenda Item #14 Tonight's Consent. Important!

Kevin Curtis <Crestrontrainer@outlook.com>

Wed 7/12/2023 1:57 PM

To:Lisel Blash <LBlash@townoffairfax.org>;Bruce Ackerman <backerman@townoffairfax.org>;Barbara Coler <bcoler@townoffairfax.org>;Stephanie Hellman <shellman@townoffairfax.org>;Christine Foster <cfoster@townoffairfax.org>

 1 attachments (581 KB)

1.C. Deer Park Annexed by Town of Fairfax.pdf and 20 more pages - Personal - Microsoft_Edge 6_12_2023 5_01_24 PM.png;

Dear Mayor Cutrano,

Former Mayor and councilmembers, please pull item #14 from this evenings consent calendar. First and foremost, you have a full 60 days to consider what your response will be to the Ross Valley School District regarding their not detailed or informatinve letter to you as required based on their designation of the Deer Park site as “Surplus Property”.

The letter from RVSD is dated June 14th, so the Town of Fairfax has another town council meeting prior to the next RVSD meeting on 8/9/2023, in which you can still place this item on the agenda for a vote.

The letter itself does not lend any clear information as to what is being conveyed for the property out at Deer Park. To be very clear, it says that you are being offered to “Purchase the property”, which is not what is being presented to you at this time.

What is actually occurring is that you are being offered a mandatory disclosure of the designated “Surplus property”, through the requirements of the Naylor Act, as a local entity.

This Naylor Act law is specifically addressing school property sites that have fields available within them and that may be of use to the local agency’s for re-use and at a major discount from market value.. (and not buying the entire property with buildings etc from the school district).

Please review this brief on the CA Naylor Act law section and It’s uses here:

<https://sites.google.com/site/cfrdgroup/cypress-parks/the-naylor-act>

The Ross Valley School District is offering you the back unused field area and the easement from Porteous Drive into and across the field and into the MMWD major Deer Park and Bald Hill trailheads.....at a discount of 25% of the market value of that separated vacant portion of the land. Meaning you can separate it out from the actual used site of the Fairfax San Anselmo Children’s Center of buildings, playground and garden area, which is still in negotiations with both FSACC and now a second Non-profit entitiy that is not named (the Marin County Board of Education process of participation may be quickly fading).

The most important situation here that I am asking you to only temporarily stall this agenda item for is that there was never any formal public easement secured, through the school site, providing access into the public use trailheads.

By allowing the sale of the property to a private owner (a non-profit of any type), the property will be succceptable to closure of access, as we have seen in many other circumstances across Marin County.

Please allow me the time to make a presentation to each of you on the history and property situation at this site, prior to your decision to decline to purchase the “OPEN FIELD” portion of the property.

FYI... You have the ability to secure the purchase of the Back field and public easement access not only with only 25% of the market rate funds, but also with that amount spread over a 99 year lease to the RVSD if you wanted to send over that as an offer. Let's say the open field property was valued at 1/3 of the entire site, then with your discount, it would be roughly 250k. Spread that over a 99 year lease at no interest, direct with the school district, about \$2500 per year to preserve the property. And you can give it back to the school district at anytime in the future, should the remainder of the site be returned to the school district.

Lastly, I have all the historical documentation and also the town's specific resolutions regarding the Deer Park property, however I want to leave you with this one single read ahead of your action tonight.....please review this attached document with the statement from Marin County that the annexation of the Deer Park property into Fairfax, "will not impede the intent to preserve the public right-of-way into Deer Park".

Again, there was a mistake in that no public easement of record was ever preserved for this property and I'll show you in a 15 minute presentation of the data.

You can save this entire back field for public use, for a very small fee to the town that is fully negotiable with the school district.

It only takes one of you councilmembers to request to the Mayor that it be pulled for further review from this evenings agenda.

You don't have all the information as needed from staff nor the town attorney.

Thank you,

Kevin Curtis

Sent from [Mail](#) for Windows

COUNTY OF MARIN



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PIERRE W. JOSKE
DIRECTOR

November 6, 1969

Mayor Francis O'Connell
City of Fairfax
City Hall
Fairfax, California

Dear Mayor O'Connell:

Subject: Deer Park

Your Council has recently discussed annexing certain lands adjacent to your City's present boundaries and the Deer Park School vicinity. You have requested this department's advice on this proposed annexation and our estimated cost of maintaining the above park facility.

It is this department's opinion that your City's annexation of the Fairfax School District lands and area intervening between the Deer Park School and the City boundary would not affect the County's present intentions of preserving pedestrian and equestrian access to the water shed lands for this County's residents. It is our intention to eventually develop and staff this park facility in a manner agreeable to the Marin Municipal Water District, the Fairfax School District and hopefully your Council as well. Our present plans for this development are flexible, however, in that we believe there is room for reaching an agreement with you and your residents on the scope and type