



FAIRFAX TOWN COUNCIL SPECIAL MEETING STAFF REPORT

MEETING DATE: September 6, 2023
PREPARED FOR: Mayor and Town Council
PREPARED BY: Heather Abrams, Town Manager
SUBJECT: Authorize Mayor and Vice Mayor to negotiate and execute an agreement consisting of initial provisions and potential future amendments, with Marin Open Space Trust (MOST) regarding exploration of purchase for open space of 100 acre property commonly referred to as the Wall Property.

RECOMMENDATION

Authorize Mayor and Vice Mayor to negotiate and execute an agreement with 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.

DISCUSSION

In a closed session on August 29, 2023, the Town Council discussed price and terms for a possible purchase of the Wall Property as open space. The Council Subcommittee formed to work on this project consists of Mayor Chance Cutrano and Vice Mayor Barbara Coler. The Subcommittee has been meeting with various stakeholders and would like authorization to move forward with an initial agreement with MOST to acquire required appraisals and geotechnical evaluations, to seek funding, and to work with the parties to structure a potential purchase plan. Additional amendments to the agreement may be needed for future work.

The initial provisions of the agreement between the Town of Fairfax and MOST will incorporate the following:

1. MOST will contact the owner of the property to express interest in acquiring the property to be directly deeded to a public entity for permanent open space.
2. MOST will initiate and pay for an appraisal.
3. If the appraised amount is reasonable and if a public entity is agreeable to accept the property as open space, MOST will attempt to obtain an option or purchase contract with an adequate contingency period for further due diligence and fundraising.
4. MOST will contract and pay for a preliminary geotechnical report in cooperation with the Town and other public entity(s) to focus on landslide risks to adjacent properties and on reasonable mitigation measures. Likewise, in cooperation with the Town and other public entity(s), MOST will pursue all other due diligence issues.
5. MOST will work with all interested parties to secure the necessary funds for the purchase of the property.

FISCAL IMPACT

There is no fiscal impact at this time.