



## **RESOLUTION No. \_\_\_\_\_**

### **OF THE BOARD OF SUPERVISORS OF THE COUNTY OF NEVADA**

#### **RESOLUTION AUTHORIZING THE TRANSFER OF WESTERN GATEWAY PARK (APN 51-220-16), APPROVING THE WESTERN GATEWAY PARK TRANSFER AGREEMENT BETWEEN THE COUNTY OF NEVADA AND THE WESTERN GATEWAY PARK AND RECREATION DISTRICT AND AUTHORIZING THE CHAIR OF THE BOARD OF SUPERVISORS TO EXECUTE THE AGREEMENT(4/5 AFFIRMATIVE VOTE REQUIRED)**

WHEREAS, County of Nevada (“County”) owns approximately 80.97 acres of real property and its appurtenant facilities located at 18560 Penn Valley Drive, Penn Valley, CA, APN 51-220-16 commonly known as the Western Gateway Park (“Park Property”); and,

WHEREAS, County acquired Park property from Boise Cascade Recreation Communities, a Division of Boise Cascade Home and Land Corporation, on March 6, 1972, when it was deeded to the County for use as a County park and open space; and,

WHEREAS, the purpose of the Western Gateway Park and Recreation District (“Park District”) is to provide parks and recreational facilities, services, and opportunities to the citizens of the area, and to develop, manage and maintain the Western Gateway Park; and,

WHEREAS, Park District has continually developed, managed and maintained the Park Property on behalf of the County for over thirty years; in exchange, County agreed to waive all County building permit fees related to the construction and installation of park facilities; and,

WHEREAS, the Nevada Cemetery District (“Cemetery District”) owns property adjacent to the Park Property, and has an easement for ingress, egress and public utility purposes across a portion (0.89 acres) of the Park Property; and

WHEREAS, Wesley Lahr (“Lahr”) owns property adjacent to the Park Property, and has a legal easement for ingress, egress and utility purposes across a portion (0.89 acres) of the Park Property; and

WHEREAS, County desires to transfer the Park Property to the Park District, except for any land necessary to operate and maintain an existing Bike Path (0.94 acres) adjacent to the Park Property; and

WHEREAS, County and the Park District now desire to transfer 80.03 acres of the Park Property from the County to the Park District, subject to the Cemetery District easement and the Lahr easement, and on the terms and conditions set forth in the attached transfer agreement, including the condition that the property is used for open space, public recreation and park purposes; and,

WHEREAS, Government Code section 25365 provides that the Board of Supervisors may, by a four-fifths vote, quitclaim or otherwise transfer to a special district any real property belonging to the County if the property to be quitclaimed is not required for county use; and,

WHEREAS, pursuant to Government Code section 25365(c), notice of the proposed Park Property transfer was duly published in a newspaper of general circulation in the County on \_\_\_\_.

NOW, THEREFORE, BE IT HEREBY RESOLVED by the Board of Supervisors, of the County of Nevada, State of California, that:

1. The Board of Supervisors hereby finds and determines that the Park Property is not required for County use.
2. The Western Gateway Park Transfer Agreement (“Agreement”) by and between the County of Nevada and the Western Gateway Park and Recreation District for property located at 18560 Penn Valley Drive, Penn Valley, CA, APN 51-220-16, is hereby approved in the form attached hereto as Exhibit A, and the Chair of the Board of Supervisors is hereby authorized to execute the Agreement, on behalf of the County of Nevada.
3. The Chair of the Board of Supervisors is hereby authorized to execute, on behalf of the County of Nevada, a Quitclaim Deed conditionally transferring all County right, title and interest in the Park Property, and subject to the existing legal Easements and subject to the reversionary condition that the property is used for open space, public recreation and park purposes, to the Western Gateway Park and Recreation District.
4. Mr. Stephen T. Monaghan, Chief Information Officer, is hereby authorized to execute and record, on behalf of the County of Nevada, all such instruments and documents as may be required in order to consummate this real property transaction.
5. The County shall continue to waive Nevada County Community Development Agency building permit fees related to the construction and installation of Western Gateway Park facilities Until April 1, 2024.