



# REGIONAL PARK AND OPEN SPACE DISTRICT Policy and Procedure Manual



Policy 7.1

Acquisition of Land

## I. POLICY

To fulfill its mission, the Riverside County Regional Park and Open-Space District (District)/County Parks may enter into real property transactions. California Public Resources Code (CPRC) Section 5540 authorizes: “A district may take by grant, appropriation, purchase, gift, devise, condemnation, or lease, and may hold, use, enjoy, and lease or dispose of real and personal property of every kind, and rights in real and personal property, within or without the district, necessary to the full exercise of its powers.”

Transactions must meet the criteria established in this policy as well as policy CPRC Section 5400-5409 Park Land Preservation Act, CPRC 5540 Regional Park and Open-Space Districts; Acquisition, use and disposal of property, CPRC Section 5096.227(f) Park and Recreational Facilities act of 1984 – Additional legislative findings and declarations, and CPRC Section 5096.231 Park and Recreational Facilities act of 1984 - - Parklands Acquisition and Development Programs. Transactions must conform to all federal and state laws pertaining to real property acquisition and be properly documented and supported. In addition, transactions must have the approval of the District’s Board of Directors while ensuring the prudent use of public monies. This policy applies to all land transactions initiated by the District/County Parks, as well as by external parties on behalf of the District/County Parks.

## II. PURPOSE

The purpose of this policy is to establish a process of land acquisition that will allow the District/County Parks to:

1. Identify and acquire the best representative landscapes and most significant cultural sites in the District/County Parks for the purpose of protecting the County’s most valuable natural, scenic, historic, and recreational resources; Ensure general public access to and enjoyment of these sites.



# REGIONAL PARK AND OPEN SPACE DISTRICT Policy and Procedure Manual



Policy 7.1

Acquisition of Land

2. Foster appreciation and enjoyment of outdoor recreation resources by developing and maintaining parks and trails, and preserving natural and cultural areas.

### III. PROCEDURE

#### A. *Criteria for acquisition*

District/County Parks will engage in acquisitions that serve the District/County Parks' mission, its long-range planning goals, and public interests by advancing one or more of the following objectives:

1. Protect areas of outstanding natural, scenic, cultural, historic and recreational significance for the enjoyment and education of present and future generations;
2. Consolidate District/County Parks land holdings, trail systems and greenways for protection of District/County Parks parkland and to facilitate efficient management and administration of the District/County Parks' system;
3. Provide a buffer from private development that may diminish the recreation or conservation values of District/County Parks parklands.

#### B. *Guiding principles for land transactions*

1. Ensure fiduciary responsibility in the use of public funds;
2. Preserve public trust in our business practices and stewardship of real estate assets;
3. Conduct real estate transactions in an honest and transparent manner, with integrity toward sellers and the public, exercising confidentiality of such transactions when it serves the public interest or to avoid harm to private citizens' interests, within our expressed statutory authority to do so; and
4. Balance the need for public open space with concern for loss of local tax revenue and private economic opportunity.



# REGIONAL PARK AND OPEN SPACE DISTRICT Policy and Procedure Manual



Policy 7.1

Acquisition of Land

C. *Acquisition practices*

The District/County Parks will engage in the following acquisition practices:

1. Seek to purchase from willing sellers as the preferred method of buying land;
2. Prior to requesting Board of Supervisors/Directors approval for land transactions, the District/County Parks shall do the following:
  - a. Utilize sound business principles in securing appraisals and conducting negotiations; and completing due diligence actions according to the practices identified herein for all real property acquisitions and exchanges, including the request for and review of title searches, hazardous material assessments, and any other documents that will allow the District/County Parks to make an informed decision regarding a land purchase or exchange;
  - b. Consult with local government taxing entities when a land purchase has potential to cause a significant loss of property tax revenue;
  - c. Create an acquisition file containing all relevant documentation to be referenced throughout the acquisition process;
  - d. Have County Counsel review all purchase and sale agreements including Certificate of Acceptance, Public Notary documents, Grant Deeds/Quitclaim Deed instruments for legal sufficiency;
  - e. Request Board of Supervisors/Directors approval to acquire real property.

D. *Due Diligence Practices*

The District/County Parks shall consider and perform the following actions for each property acquisition as applicable:

1. Environmental Reports: The District/County Parks will visually inspect the property and check records on public data sources.



# REGIONAL PARK AND OPEN SPACE DISTRICT Policy and Procedure Manual



Policy 7.1

Acquisition of Land

- a. Environmental Assessment Phase 1 Report will be required where historical records or visual inspection reveals any uses that may have negative environmental impacts.

Guidelines for the Contents of a Phase 1 Environmental Site Assessment Report follow State of California Environmental Quality Act and Federal National Environmental Protection Act.

- b. Environmental Assessment Phase 2 Report for soil and ground water testing will be required on properties when recommended by the Phase 1 assessment. This assessment requires the analysis of soil or water samples by a qualified consultant and laboratory to identify contaminations and concentrations of hazardous substances. A Phase 2 assessment can also be initiated when a state regulatory agency has been contacted and ordered an investigation based on the follow-up of a complaint.
2. Environmental Reviews: If Phase 1 or 2 assessments are required, a District/County Parks team comprised of the General Manager, Senior Planner, Chief - Natural Resources, and appropriate County and State agencies will review the environmental assessments and value the proposed mitigation measures. The team will provide a recommendation for whether to proceed with purchase as well as next steps for development, use and further environmental study.
3. District/County Parks' initial one-time and ongoing management costs: The District/County Parks is responsible for visiting the prospective acquisition site and determining one-time stewardship costs and ongoing annual management costs. One-time stewardship costs include installation of signs and gates, vegetation management, erosion control, etc.

*E. Appraisal Practices*

The District/County Parks will coordinate with the appropriate agencies such as



# REGIONAL PARK AND OPEN SPACE DISTRICT Policy and Procedure Manual



Policy 7.1

Acquisition of Land

County Counsel, Flood, independent appraiser/broker and/or Economic Development Agency (EDA)-Real Property division for all real property issues. Once a property is located then approved by the District/County Parks' General Manager/Parks Director, the Chief - Business Operations or designee will proceed with the appraisal process. Upon receipt of appraisal, designated staff will conduct an initial review of appraisal and forward it to the Chief -Business Operations for secondary review.

1. Chief -Business Operations will forward appraisal to General Manager/Parks Director for final review and recommendation. If General Manager/Parks Director approves acquisition, the designee will coordinate acquisition process with the designated agency.
2. The designated agency acting as the District/County Parks will make a verbal offer to the seller based on appraised value and Board of Supervisors/Directors final approval.
3. The designated agency shall conduct all negotiations with property owners.

*F. Board Consideration*

All purchases must be approved by the Board of Supervisors/Directors.

*G. Escrow*

Once acquisition is approved by the Board, the designated agency receives the minute order from Clerk of the Board and acquisition will proceed to Escrow. The designated agency will notify the District/County Parks prior to close of escrow.

*H. Recording of Land Titles*

The designated agency will perform the process of recording the Grant Deed or Quitclaim Deed. The designated agency will bring the duly executed proof of ownership of real property to the County Recorder's office for filing in the record books. The recordation of the Grant Deed or Quitclaim Deed instruments is consummated by the Recorder's office. The Recorder's office will forward a certified copy of the recorded instrument to the District/County Parks.

*I. Acceptance of Real Property Donations*



# REGIONAL PARK AND OPEN SPACE DISTRICT Policy and Procedure Manual



Policy 7.1

Acquisition of Land

District policy 5.5 Accepting and Recognizing Donations, Section III B, Real Property Donations, provides the guidelines for accepting real property.

*J. Trails*

1. The District/County Parks will only build trail routes that provide appropriate public access. Trail management is the responsibility of the District/County Parks.
2. When acquiring new trails, the following are factors to be considered:
  - a. Linkage between existing County parks,
  - b. Linkage between County park and other open-space or public lands,
  - c. Segments of regional trails,
  - d. Rail to/with trail to take advantage of railroad rights of way.
3. Other important considerations when developing a trail system are developing a contiguous regional trail system that is compatible with the landowner's use of the land and the District/County Parks' need to provide public recreation.
4. With the abundance of private land throughout the County trail route, there is an increasing need to obtain easements when acquiring new trails. A trail easement establishes a specific, permanent right for passage. Failure to obtain even a few links of the trail can disrupt trail continuity, potentially preventing the overall completion of the trail.
  - (1) The District/County Parks will request easements of varying lengths to allow for trees and utilities, while accommodating such uses as hiking, biking, and horseback riding. Whenever possible, the District/County Parks will overlap easements to minimize restrictions for development.
  - (2) Once the easement is dedicated, the owner receives the title of land but the District/County Parks will exercise rights to use the portion of dedicated land for trail purposes.

*K. Eminent Domain*

1. Eminent Domain shall only be considered once all other avenues to



# REGIONAL PARK AND OPEN SPACE DISTRICT Policy and Procedure Manual



Policy 7.1

Acquisition of Land

acquire the property have been exhausted.

2. All Eminent Domain activity will adhere to current California laws, County Ordinances and policies.

L. *Other*

The County will not acquire real property for any park purpose until the Board of Supervisors/Directors has determined that the acquisition is in conformity with the adopted county parks and recreation element of the general plan.

RivCo Parks Policy 7.1

**Policy 7.1** Acquisition of Land

**Original Issue Date:** 6/3/2013

**Office of Primary Responsibility:** Business Operations

**Editor:** Brewer, Marc, Senior Park Planner

**Reviewed by:** Hune, Brande A, Chief – Business Operations

**Approved by:** Bangle, Scott A, General Manager

**Date Approved:** 6/3/2013

**Previous Revision Dates:** N/A