



**DIANNE JACOB**  
SUPERVISOR, SECOND DISTRICT  
SAN DIEGO COUNTY BOARD OF SUPERVISORS

**AGENDA ITEM**

**DATE:** June 21, 2006

**TO:** Board of Supervisors

**SUBJECT:** APPROVAL OF MEMORANDUM OF AGREEMENT BETWEEN COUNTY AND DEPARTMENT OF THE NAVY RELATED TO CONVEYANCE OF LAND CONTAINING STOWE TRAIL TO COUNTY (District: 2)

**SUMMARY:**

**Overview**

The historic Stowe Trail is located on the eastern portion of Marine Corps Air Station Miramar and links the County's Goodan Ranch and Sycamore Canyon Preserves to the north with Mission Trails Regional Park to the south. On May 17, 2005, the Board of Supervisors unanimously approved funding to initiate the due diligence necessary before the County can take title to approximately 230 acres of land containing this trail. On January 6, 2006, federal legislation was passed that allows the Department of the Navy to convey the land to the County in exchange for in-kind consideration equal to the value of the land conveyed. The next step in acquiring the Stowe Trail is approving a Memorandum of Agreement (MOA) between the County of San Diego and the Department of the Navy. This MOA sets forth the steps that each party will take before the parties enter into a contract for conveyance of the property to the County.

Today's action will approve the MOA between the County of San Diego and the Department of the Navy. Under the MOA, the Navy will survey and appraise the property. The County will prepare the environmental documents and the plans and specifications for a fence project, the in-kind consideration that the Navy requested. The County will reimburse the Navy for the costs it incurs to prepare the survey, appraisal, and real estate and legal costs. The County will pay for the preparation of the environmental documents.

**Recommendation(s)**

**SUPERVISOR JACOB:**

1. Approve the Memorandum of Agreement Between the County of San Diego and Marine Corps Air Station Miramar of the United States Department of the Navy Regarding Transfer of Stowe Trail Property (Attachment A).

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2. Authorize the Director of Parks and Recreation to sign the Memorandum of Agreement and any amendments to the Agreement that do not increase the County's costs.

**Fiscal Impact**

Implementation of the Memorandum of Agreement will result in direct and indirect project costs, including due diligence for land acquisition, preparation of the environmental documents and the value of the in-kind project, which will be determined once the appraisal is complete.

**Business Impact Statement**

N/A

**Advisory Board Statement**

N/A

**BACKGROUND:**

The historic Stowe Trail is located on the eastern portion of Marine Corps Air Station (MCAS) Miramar and links the County's Goodan Ranch and Sycamore Canyon Preserves to the north with Mission Trails Park to the south. Because the property is restricted to military use, any recreational use of the trail is trespassing. Acquisition of the land by the County will open the trail for legal use by the public and will preserve the area as a wildlife corridor between Goodan Ranch and Sycamore Canyon Preserves to the north and Mission Trails Regional Park to the south.

On May 17, 2005 (Item 1), the Board of Supervisors unanimously approved \$365,000 in funding to initiate the due diligence necessary before the County can take title to approximately 230 acres of land containing this trail. On January 6, 2006 Federal legislation (Public Law 109-163) was passed that allows the Department of the Navy to convey the land to the County in exchange for in-kind consideration equal to the value of the land conveyed. The Navy decided that it wants a fence constructed along a portion of the MCAS Miramar boundary as the in-kind consideration for conveyance of the property.

The next step in acquiring the Stowe Trail is approving a Memorandum of Agreement (MOA) between the County of San Diego and the Department of the Navy. The MOA sets forth the steps that each party will take before the parties enter into a contract for conveyance of the property to the County.

According to the MOA, the Navy will survey the property, prepare an appraisal for the property and complete a questionnaire for the Phase I hazardous materials assessment of the property. The County will prepare the environmental documents for the proposed fence project. These documents will comply with both the National Environmental Policy Act (NEPA) and the California Environmental Quality Act (CEQA). The County will also prepare a Phase I hazardous materials assessment for the property and will prepare the construction plans and specifications for the fence project.

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The County will reimburse the Navy for the costs it incurs for the survey, the appraisal, the real estate and legal costs. The County will also pay for the costs to prepare the environmental documentation and for the County's real estate and related legal expenses. Staff will determine the costs once it has sufficient information.

The Navy indicates that it is very interested in and committed to following through, in good faith, with the provisions of the MOA, even though both parties agree that this is based upon a mutual understanding and not subject to any contractual enforcement. Because this MOA is not a formal contract, the County would be in the position to "terminate" the MOA at any time if it appears that the cost to prepare the environmental documents is too high or that the value of the Stowe Trail property significantly exceeds what the County expected. Such action may be taken by the County without incurring any contractual liability because of the mutual understanding nature of this MOA.

As noted above, the Navy wants the County to construct a fence as the in-kind consideration for the conveyance of the Stowe Trail property. The value of the fence must be equal to the value of the property to be conveyed. Under the MOA, the Navy agrees that the value of the fence project will include not only the construction costs (materials, labor and equipment), but also the costs the County incurs to prepare the construction plans and specifications and costs for permits, mitigation, mitigation monitoring and project management for both the County and the Navy.

The MOA states that after the environmental review process has been completed and the Navy approves the fence project (a Record of Decision), the parties intend to enter into a real estate contract to convey the Stowe Trail property for the in-kind consideration (fence project). Once the Navy and the County have entered into the real estate contract, the County would put the fence construction contract out to bid and would enter into a contract with the lowest responsive, responsible bidder. The MOA also states that after the Navy accepts the completed fence project, the Navy will begin the process to transfer title to the property to the County. The parties will discuss the terms for the real estate contract after the MOA has been approved.

The ultimate goal of acquiring this corridor is truly a rare opportunity. Returning the Stowe Trail and surrounding habitat to the people of San Diego County creates a win-win situation for both the public and the Marine Corps.

I urge your support.

Respectfully submitted,

DIANNE JACOB  
Supervisor, Second District

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**AGENDA ITEM INFORMATION SHEET**

**CONCURRENCE(S)**

<b>COUNTY COUNSEL REVIEW</b>	<input type="checkbox"/>	Yes	
Written Disclosure per County Charter Section 1000.1 Required	<input type="checkbox"/>	Yes	<input checked="" type="checkbox"/> No
<b>GROUP/AGENCY FINANCE DIRECTOR</b>	<input type="checkbox"/>	Yes	<input checked="" type="checkbox"/> N/A
<b>CHIEF FINANCIAL OFFICER</b>	<input type="checkbox"/>	Yes	<input checked="" type="checkbox"/> N/A
Requires Four Votes	<input type="checkbox"/>	Yes	<input checked="" type="checkbox"/> No
<b>GROUP/AGENCY INFORMATION TECHNOLOGY DIRECTOR</b>	<input type="checkbox"/>	Yes	<input checked="" type="checkbox"/> N/A
<b>COUNTY TECHNOLOGY OFFICE</b>	<input type="checkbox"/>	Yes	<input checked="" type="checkbox"/> N/A
<b>DEPARTMENT OF HUMAN RESOURCES</b>	<input type="checkbox"/>	Yes	<input checked="" type="checkbox"/> N/A

**Other Concurrence(s):** Department of Parks and Recreation  
United States Marine Corps

**ORIGINATING DEPARTMENT:**

**CONTACT PERSON(S):**

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**AUTHORIZED REPRESENTATIVE:** \_\_\_\_\_