

**EAST CONTRA COSTA FIRE PROTECTION DISTRICT  
BOARD OF DIRECTORS**

**Meeting Date:** January 13, 2021

**Subject/Title:** Delegate Authority to Fire Chief or the Clerk of the Board to Negotiate and Execute Real Estate Conveyance Documents for Station 58

**Submitted By:** Laura Ratcliffe and Shayna van Hoften, Legal Counsel

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**RECOMMENDATION FOR ACTION**

That the East Contra Costa Fire Protection District (District) Board of Directors (Board) adopt a resolution to delegate authority to the Fire Chief, Brian Helmick, or the Clerk of the Board, Regina Rubier, to execute a Purchase and Sale Agreement, Grant Deed, and other documents necessary to convey real property known as Station 58 in Discovery Bay, California, to Kenneth Luke or his assignees (the "First Buyer"), in the first instance, or to the Vera Cort Revocable Living Trust (the "Second Buyer"), in the second instance, if a sale to the First Buyer is unable to be consummated.

**PRIOR BOARD ACTIONS**

On January 8, 2020, the District's Board of Directors declared a decommissioned fire station located at 1535 Discovery Bay Blvd., Discovery Bay, CA (the "Property") as surplus following a public hearing on such declaration, pursuant to California Government Code Section 54220 *et seq.*

**SUBJECT BACKGROUND**

As required by California Government Code Section 54222, the District provided a written notice of availability to various local public entities within whose jurisdiction the Property is located. The Town of Discovery Bay Community Services District (Town) indicated its interest in entering into negotiations with the District to purchase the Property. The District and the Town engaged in good faith negotiations over the price and terms of the Property, but ultimately the District and the Town were unable to come to an agreement after a period of not less than 90 days.

In the case of the sale of this Property, the Board determined that a sale through a licensed broker would yield the highest purchase price, notwithstanding a provision of Board Policy No. 231, which generally prohibits sales commissions for the disposition of surplus property. Staff engaged CBRE to market and list the property for sale.

The District, through CBRE, received three offers on the Property. At this time, staff recommends that the Board authorize the Fire Chief or Board Clerk to negotiate and execute a Purchase and Sale Agreement, Grant Deed, and any other necessary documents to facilitate the sale of the Property to the First Buyer, who made the highest offer. If negotiations with the First Buyer are unsuccessful, staff recommends that the Board further authorize the Fire Chief or Board Clerk to negotiate and execute a Purchase and Sale Agreement, Grant Deed, and any other necessary documents to facilitate the sale of the Property to the Second Buyer.

Attachment: Resolution

**EAST CONTRA COSTA FIRE PROTECTION DISTRICT BOARD OF DIRECTORS  
STATE OF CALIFORNIA**

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**RESOLUTION 2021 - \_\_\_\_**

**AUTHORIZING THE FIRE CHIEF OR THE CLERK OF THE BOARD TO NEGOTIATE AND  
EXECUTE REAL ESTATE CONVEYANCE DOCUMENTS FOR STATION 58**

**WHEREAS**, on January 8, 2020, the East Contra Costa Fire Protection District (District) Board of Directors (Board) declared a decommissioned fire station located at 1535 Discovery Bay Boulevard, Discovery Bay, CA (the "Property") as surplus following a public hearing on such declaration, pursuant to California Government Code Section 54220 *et. seq.*; and

**WHEREAS**, the District complied with the provisions of California Government Code Section 54220 *et. seq.*, including providing notices of availability to relevant public agencies within whose jurisdiction the Property is located; and

**WHEREAS**, the Town of Discovery Bay Communities Services District (the "Town") indicated its interest in purchasing the Property, and the Town and the District engaged in good faith negotiation for a period of not less than 90 days, however were not able to reach an agreement on the price and terms of sale; and

**WHEREAS**, the District worked with a real estate broker to list the Property on the commercial real estate market, and received three offers on the Property; and

**WHEREAS**, staff recommends that the Board authorize the Fire Chief or the Clerk of the Board to negotiate and execute a Purchase and Sale Agreement, Grant Deed, and other necessary documents to complete the sale of the Property to Kenneth Luke or his assignees (the "First Buyer"), in the first instance, or to the Vera Cort Revocable Living Trust (the "Second Buyer"), in the second instance, if a sale to the First Buyer is unable to be consummated.

**NOW, THEREFORE BE IT RESOLVED** that the East Contra Costa Fire Protection District Board of Directors hereby finds and declares that for the purposes of the sale of the Property, it will waive the provision prohibiting sales commissions as described in Section 231.4(f) of Board Policy No. 231;

**BE IT FURTHER RESOLVED** that the Fire Chief, Brian Helmick, or the Clerk of the Board, Regina Rubier, may negotiate and execute a Purchase and Sale Agreement, Grant Deed, and other necessary documents to facilitate the sale of the Property to the First Buyer;

**BE IT FURTHER RESOLVED** that in the event that a sale to the First Buyer is unsuccessful, the Fire Chief, Brian Helmick, or the Clerk of the Board, Regina Rubier, may negotiate and execute a Purchase and Sale Agreement, Grant Deed, and other necessary documents to facilitate the sale of the Property to the Second Buyer.

**PASSED, APPROVED AND ADOPTED** by the Board of Directors of the East Contra Costa Fire Protection District at a special meeting held on the 13<sup>th</sup> day of January, 2021 by the following vote:

AYES:  
NOES:  
ABSENT:  
ABSTAIN:

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Brian J. Oftedal,  
President, Board of Directors

ATTEST:

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Regina Rubier, Clerk of the Board