

CAPISTRANO BAY DISTRICT  
AGENDA REPORT  
September 28, 2021

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*Old Business*

## ITEM 9b

### LAFCO/Activation of Latent Powers

The *Plan for Service Review* required by LAFCO has been completed and reviewed by District Counsel and the Board and was submitted to LAFCO on Wednesday 9/22. This is the report that essentially makes the case for supporting the District's request for activating a latent power.

LAFCO confirmed their receipt of the report and will be communicating back to the District in the next few weeks with information regarding the next steps in the 6-month long approval process.

## ITEM 9c

### Acquisition of Real Property/Vacant Lot #071

#### Title Search Ordered

Our preliminary title search from 2009 revealed no easements in favor of the District for any type of access across the County's Beach park property. To be certain no documents have been somehow missed, District has recently ordered a chain of title search that goes back to 1928 on all the parcels that abut *Tract 797* (District property). First American Title has been engaged to research the records and is expected to complete their investigation within two weeks.

Concurrent with the title search work, the District has requested a grant of access by the County to be able to use their Beach Park facility for access for District beach maintenance on storm drains and beach cleanup responsibilities. This effort is currently in progress but with no comment as yet, from the County, as to whether or not an easement could be granted.

#### Vacant Land Purchase Agreement

Discussion and completion of the details of the purchase agreement will be discussed in closed session with a report on any action taken during the open portion of the Board meeting. Once agreed upon and executed by both parties, the document will be available for public access. The District requires a 30-day right of cancellation to allow time for the full title search to be completed.

#### Approval of Resolution No. 9-28-21

As a necessary step in the purchase of the vacant lot, the Board must vote on the attached resolution. This doesn't obligate the District, but is a required formality to enable the District to proceed should it choose to do so, pending the outcome of the effort with the County.

# ITEM 9c

## RESOLUTION NO. 9-28-21

### **A RESOLUTION OF THE BOARD OF DIRECTORS OF THE CAPISTRANO BAY COMMUNITY SERVICES DISTRICT AUTHORIZING THE ACQUISITION OF VACANT PARCEL #691-141-07 TO ENHANCE BEACH ACCESS AND TO DELEGATE TO BOARD PRESIDENT SAEED IRANI ALL AUTHORITY NECESSARY AND APPROPRIATE TO EFFECTUATE ACQUISITION**

WHEREAS, the Capistrano Bay Community Services District ("District") is a local government agency formed and operating in accordance with Section 61000 *et seq.* of the California Government Code;

WHEREAS, the District provides, inter alia, Beach Road operation and maintenance, trash collection, police and security services, infrastructure maintenance, flood control and other related services to persons and properties within the District boundaries;

WHEREAS, coastal erosion and sea level rise require permitted and active shoreline protection and flood control measures, and the District is responsible for, inter alia, protecting District infrastructure, which requires active flood protection measures;

WHEREAS, coastal erosion and sea level rise are jeopardizing the continued and future operations of, inter alia, storm drains within the District boundaries, for which the District has an obligation to maintain;

WHEREAS, an undeveloped parcel ("the Parcel") in the District has become available on the open market for purchase;

WHEREAS, the District Board of Directors ("Board") has determined that District ownership of an undeveloped parcel will enhance the District's flood protection and infrastructure maintenance operations by providing unfettered beach access for, inter alia, storm drain maintenance work;

WHEREAS, the Board has determined that the purchase price of \$2.49 Million (the "Purchase") for the Parcel, with a cash deposit of \$100,000 and the District financing for twenty years at 3.15% interest is a necessary and appropriate expenditure of District funds in furtherance of the District's flood protection and infrastructure maintenance obligations;

WHEREAS, the Board desires to delegate to its President, Saeed Irani, all necessary and appropriate authority to effectuate the Purchase, including the authority to sign on behalf of the District and negotiate terms of financing on the District's behalf; and

WHEREAS, the District held a noticed public hearing on July 29, 2021, to receive public input on the Purchase.

NOW THEREFORE, be it resolved by the Board of Directors of the Capistrano Bay Community Services District as follows:

1. The foregoing recitals are approved and incorporated herein by reference.
2. That the District shall purchase for \$2.49 Million the property, including a down payment of \$1.5 Million and the District financing the balance for twenty years at 3.15% interest;
3. The District is authorized to refinance the Property on such terms as the Board deems to be in the best interest of the District;
4. That Board President Saeed Irani is authorized to take all steps necessary to effectuate the Purchase, including signing all documents and negotiating all terms and securing financing that best serves the interests of the District, and that such authority is delegable.

ADOPTED, SIGNED AND APPROVED this 28th day of Sept., 2021.

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Saeed Irani, President  
Capistrano Bay Community Services District

#### CERTIFICATION

I, DONAL S. RUSSELL, Secretary of the Board of Directors of the Capistrano Bay Community Services District, do hereby certify that the foregoing Resolution No. 9-28-21 was duly adopted at the Regular Meeting of the Board held on September 28th, 2021, by the following vote:

AYES:  
NOES;  
ABSENT:  
ABSTAIN:

\_\_\_\_\_  
Secretary  
CAPISTRANO BAY  
COMMUNITY SERVICES DISTRICT

(DISTRICT SEAL)