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OPINION COLUMNISTS

Dick Spotswood: If Novato doesn't want to sell, officials should say so



NOVATO, CA – JUNE 23: Marin Valley Mobile Country Club in Novato, Calif. on Friday, June 23, 2023. (Alan Dep/Marin Independent Journal)



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The saga of the Novato-owned Marin Valley Mobile County Club continues. As I've previously explained, the neighborhood just south of Hamilton is composed exclusively of permanently sited mobile homes and manufactured housing. Most of the approximately 430 residents are aged 55 and up and meet Marin's definition of low or very low income.

The city's website explains that the purchase Marin Valley was a "unique community-driven acquisition intended to preserve affordable housing opportunities for seniors and others." Under the leadership of Councilmember Pat Eklund, the land under Marin Valley's homes was purchased from a private party for \$17.5 million. No cash was involved. The entire sum was borrowed from the Bank of Marin. It'll be paid off in 2027.

Under the poorly drafted arrangement, the city took title to the land. Residents paid the city a monthly "rent." Half went to pay down the loan's principal and interest. The other half went into a trust to pay for maintenance.

The city hasn't put a cent into the operation. The city's component in the deal was to provide a loan guarantee to purchase Marin Valley. No taxpayer dollars were involved.

In 2023, Novato faced a budget crisis. It tried to sell the park to Dean Moser, an experienced operator of 17 mobile home parks. Under public pressure, that effort collapsed. If Marin Valley was losing money, why would Moser want it? When I wrote about it back then, Marin Supervisor Eric Lucan, a past member of the Novato City Council, said "The park is very profitable."

Now that the park will soon be debt free, Marin Valley's homeowners' association, aka the Park Acquisition Corporation,

is trying to purchase the land. In May 2024, it and the city engaged in a formal "exclusive negotiating agreement." The PAC's opening offer was to buy it for \$20 million. The city counter to sell was for \$26 million in cash. The PAC countered back with an all-cash offer of \$23.5 million. The city rejected that offer and refused mediation to help bridge the gap.

The city now says that sale is contingent on a "A minimum purchase price offer of \$26 million... that shall not rely on any form of city financing."

It's obvious Novato doesn't really want to sell Marin Valley as it's a cash cow for a town government that's supposedly eliminated its structural deficit.

For decades, I was a trial attorney participating in hundreds of mediations as a lawyer and as a mediator. When one party won't budge on the sale price, the other party can either walk away or be decisive and say: "Deal. The PAC accepts the city's \$26 million cash on the barrelhead offer." Then add, "We have our own financing and here's proof of that commitment."

Offer and acceptance are the elements of a binding contract. \$26 million is more than the residents wanted to or should pay given the equities on their side. If that's what it takes to make a deal, so be it.

To demonstrate that the city doesn't really want to make a deal, their written sale demand includes the following provision: "There are additional items the city would like to discuss should the points above be acceptable to the PAC." In other words, meet our terms and then we'll find a few more that you won't like. That smells of dealing in bad faith.

As John Hansen, president of the residents' association puts it, "The city bases their 'cash cow' dream on diverting the \$651,000 we currently pay for debt service, when the Bank of Marin loan is paid off in 2027, toward their own use."

If a deal isn't soon structured, litigation remains a possibility. Then City Manager Amy Cunningham and the five council members will face having their oral depositions taken under oath. That should be an interesting read.

Columnist Dick Spotswood of Mill Valley writes on local issues Sundays and Wednesdays. Email him at spotswood@comcast.net.