



Midpeninsula Regional
Open Space District

R-12-12
Meeting 12-05
January 25, 2012

AGENDA ITEM 7

AGENDA ITEM

Annual Dedication of Certain District Lands and Dedication Status Report

GENERAL MANAGER'S RECOMMENDATION

Adopt the attached Resolution dedicating interests in certain specified District lands for public open space purposes.

SUMMARY

Once each year, the Midpeninsula Regional Open Space District (District) selects certain properties and interests in land for dedication. Dedicated properties are, in effect, permanently protected. By so doing, the District voluntarily eliminates its ability to sell or otherwise convey those properties without voter consent, except under very narrow circumstances. These narrow statutory exceptions permit exchanges of dedicated land of equal or greater open space value not exceeding 40 acres in a calendar year, and the transfer of land to another government agency on condition that the land continue to be protected as open space in perpetuity. Of the 60,153 acres preserved by the District, 2,226 acres include property rights that prevent these lands from being dedicated, such as leases and management agreements, leaving 57,927 acres of marketable interests in land. Of this amount, 38,620 acres (67%) are dedicated and 21,533 acres (33%) are undedicated. Upon adoption of the attached resolution dedicating approximately 1,949 additional acres as recommended in this report, 40,469 acres (70%) of marketable acres will be dedicated and 17,358 acres (30%) will be undedicated.

DISCUSSION

The distinction between dedicated and undedicated District land is best understood in the context of the District's enabling legislation, Public Resources Code Section 5540, which provides in part that "A district may not validly convey any interest in real property actually dedicated and used for park or open space, or both, purposes without the consent of a majority of voters...".

Since the District's formation, its Board of Directors (Board) has, by adopted policy, followed the practice of expressly dedicating lands for open space purposes on an annual basis by Board resolution after receipt of an evaluation of the suitability of the lands for dedication at that time. Retaining certain lands in undedicated status affords maximum flexibility to proactively preserve threatened open space resources, negotiate real estate transactions, resolve encroachments and boundary disputes, undertake preserve planning, and enter into government funding partnerships. In this way, the District preserves its creative ability to acquire land and assemble open space

preserves in a manner that best serves the public, while avoiding unnecessary waste of public tax dollars.

In accordance with the Board's Dedicated Lands Policy as last amended January 22, 1986, (see Report R-86-03), "Normally, undedicated lands within the District's boundaries will be held for future dedication to park or open space, or both purposes, but only after the necessary planning, boundary adjustments, provision for permanent access and other possible changes in configuration, which may involve the disposal or exchange of interests in all or portions of such lands, have been completed."

Per the Dedicated Lands Policy, an Annual Report indicating the status of District lands as dedicated or undedicated is to be presented in December or January of each year, and formal dedications are made by the Board based on the recommendations put forth in the annual report.

During the year, the Board's use and management planning process for each specific parcel or preserve includes a determination whether to indicate an intention to dedicate certain interests in land, such as fee title or easements. Note that although a motion of intent to dedicate might be adopted when the Preliminary Use and Management Plan for a new land purchase is approved, this does not mean that the property would necessarily be dedicated the following December, because it is usually prudent to wait until the Master Plan or Comprehensive Use and Management Plan for the entire Preserve is adopted or reviewed. Another factor to consider is whether a partner granting agency, such as the California Coastal Conservancy, has required the District to dedicate a grant funded property as a condition of a grant.

Dedication Status Summary

The attached Dedication Status Summary Report gives a summary of the current dedication status of District preserves. Only those parcels for which transactions have closed escrow and title has passed to the District on or before December 31, 2011, are included in the acreage totals. The interests in land that the District holds; i.e. fee title, easement, or other (lease, management agreement, etc), are listed for each category. Rights of first refusal and/or reversions to the District are not included. The District holds interests in 60,153 acres of land; made up of 55,037 acres in fee, and 5,116 acres in lesser interests. The District added 665 acres in fee and 281 acres of lesser interests since December 31, 2010.

Recommended Dedications (see maps)

The recommended dedications are a result of staff's site-specific analysis of issues, such as planning status, use, appropriate preserve boundary configuration, access and other relevant factors. As a result of this analysis, staff has concluded that it is appropriate to dedicate the following lands:

La Honda Creek Open Space Preserve

POST (Driscoll): In 2006, the District purchased the 3,681-acre Peninsula Open Space Trust (POST) (Driscoll) property as an addition to the La Honda Creek Open Space Preserve (OSP). The property consists of ten parcels characterized by mountainous terrain. Staff is recommending the dedication of three parcels consisting of 1,293.35 acres. The proposed dedication is commonly referred to as "Wool Ranch" and it is surrounded on three sides by the Preserve. Moreover, the Wool Ranch portion of the Preserve is subject to an Offer to Dedicate in favor of the California State Coastal Conservancy, who provided purchase grant

assistance. Accordingly, staff recommends dedicating the three parcels and recommends continuing to withhold the remaining parcels to allow planning and management flexibility.

Monte Bello Open Space Preserve

POST (Powell): In 2011, the District purchased the 54.12-acre POST (Powell) property as an addition to the Monte Bello OSP. In consideration of Santa Clara County contributing 50% of the purchase price the District granted the County a conservation easement over this property and the adjacent 33.5-acre Powell property that the District acquired in 2010. Moreover, the former POST (Powell) property is surrounded on three sides by the Monte Bello OSP. For all these reasons, dedication is appropriate.

Powell: In 2010, the District purchased the 33.5-acre Powell property as an addition to the Monte Bello OSP. As discussed above this property is subject to a conservation easement with Santa Clara County. Staff recommends dedicating this property.

Purisima Creek Redwoods Open Space Preserve

UC Regents (Elkus Ranch Uplands): In 2009, the District purchased the 450-acre UC Regents (UC) property as an addition to the Purisima Creek Redwoods OSP. (The recently completed lot line adjustment process has determined that the property is actually 470 acres). The District purchased the property from UC under a provision of the Public Contract Code of the State of California also known as “The Stull Act,” which allowed the District as a public agency to directly negotiate with UC and enabled UC to enter into this transaction without first having to undertake a public auction process. The Stull Act also requires that the property be dedicated for public use. Therefore, the Grant Deed from UC to the District included a public dedication requirement in accordance with Section 5540 of the Public Resources Code for public park and open space purposes. Accordingly, dedication is appropriate and required.

Saratoga Gap Open Space Preserve

City of Saratoga: In 2011, the District and County of Santa Clara entered into a conservation easement with the City of Saratoga to protect approximately 64 acres along Highway 9. This property is considered critical for the Saratoga to the Sea trail. Staff recommends dedicating this easement.

Thornewood Open Space Preserve

Portola Investment Company: In 2005, the District pursued a Quiet Title action to clarify the ownership of Dennis Martin Road, which was previously held by a corporation that had ceased to operate. This process resulted in the District obtaining title to Dennis Martin Road, which enabled the District to construct and open the Bridal Trail in 2009 which is one of the main trails through Thornewood OSP. The ford crossing installed at Dennis Martin Creek was approved by the Town of Woodside in 2011 completing this trail and creek restoration project. Since all work to secure public rights to this trail is complete, it is appropriate to dedicate at this time.

Windy Hill Open Space Preserve

Northern California Presbyterian Homes & Services (NCPHS): In 2004, the District entered into an Open Space and Conservation Easement with NCPHS as consideration for granting NCPHS a Berm Easement for the addition of an assisted living building at the Sequoias community owned by NCPHS. The Open Space Easement is over a 3.8-acre portion of the property and the Conservation Easement covers a 1.96-acre area. In 2008, NCPHS removed the 30,000 gallon water tank from the Open Space Easement area fulfilling their final condition of the easement agreements with the District. Therefore, dedication is appropriate for these easements.

Town of Portola Valley: In 2000, the District and Town of Portola Valley entered into an Agreement for Exchange of Easements in which the District granted four road easements and a slope easement to the Town in exchange for a Riparian, Conservation and Open Space Easement along Corte Madera Creek. This easement is surrounded by the Preserve and by Town of Portola Valley preserved land. Staff recommends dedicating this easement.

Recommendations for Later Dedication

The majority of the District's undedicated land falls within the two open space preserves: 2,465 acres at La Honda Creek Open Space Preserve (not including the 1,293 acres at La Honda Creek OSP recommended for dedication this year) and 13,372 acres at Sierra Azul Open Space Preserve. Master Plans for these preserves were underway, but are now deferred. The Mount Umunhum cleanup and public access project could potentially affect dedication preferences in the Mount Umunhum Area of Sierra Azul OSP. Staff recommends deferring the remaining dedications until the timing of the preserve master plans has been clarified and until the Mount Umunhum project is further developed.

FISCAL IMPACT

There are no costs associated with dedication.

PUBLIC NOTICE

Public notice was provided pursuant to the Brown Act. Notice was also given to the California Coastal Conservancy, Santa Clara County, UC Regents, the City of Saratoga, the Sequoias, and the Town of Portola Valley. No additional notice is necessary.

CEQA COMPLIANCE

No compliance is required as this action is not a project under CEQA.

NEXT STEPS

None.

Attachments

1. Resolution
2. Dedication Status Summary Report
3. Maps

Prepared by:

Sandy Sommer, Senior Real Property Planner

Contact person:

Same as above

Graphics prepared by:

Alex Roa, GIS Intern

RESOLUTION NO. 12-XX

**RESOLUTION OF THE BOARD OF DIRECTORS OF THE MIDPENINSULA
REGIONAL OPEN SPACE DISTRICT DEDICATING INTERESTS IN CERTAIN
DISTRICT LANDS FOR PUBLIC OPEN SPACE PURPOSES**

The Board of Directors of the Midpeninsula Regional Open Space District does hereby resolve as follows:

Pursuant to Resolution No. 86-6, the Board of Directors does hereby dedicate for public open space purposes (pursuant to Public Resources Code Section 5540) the interests in land held by the District shown herein, except for density credits on such lands, if any.

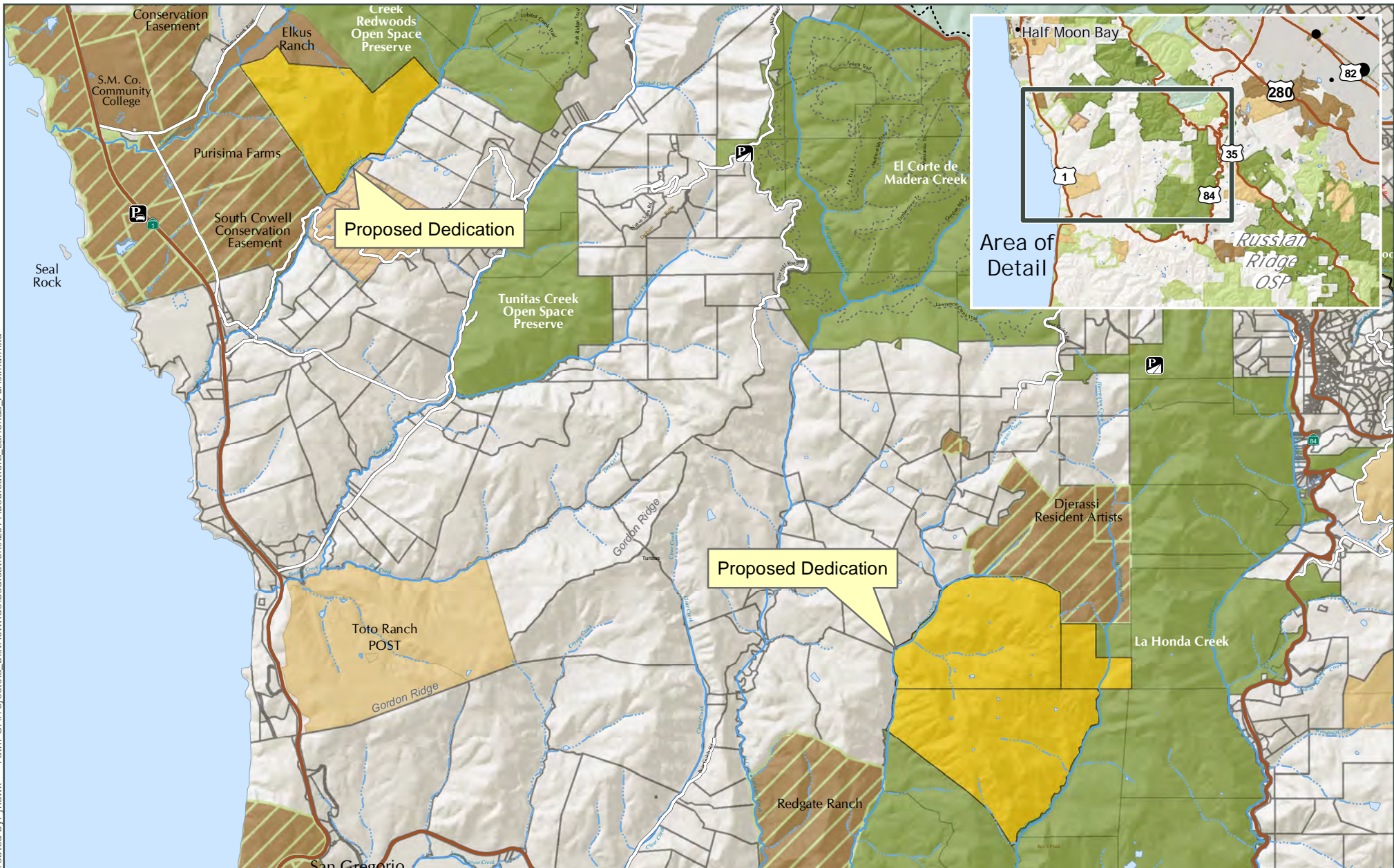
Open Space Preserve	Grantor	Board		Acreage	Property		APN
		Approval Date	Closing Date		Interest	Cty	
La Honda Creek	POST (Driscoll)	1/12/2006	12/15/2006	1,293.35	Fee	SM	078-270-010, -020, -030 (Wool Ranch)
Monte Bello	POST (Powell)	3/9/2011	3/30/2011	54.12	Fee	S CI	351-26-004, 351-26-003
Monte Bello	Powell	10/13/2010	10/29/2010	33.50	Fee	S CI	351-26-002
Purisima Crk Rwds	UC Regents (Elkus Rch Uplands)	8/12/2009	8/28/2009	470.00	Fee	SM	066-230-030
Saratoga Gap	City of Saratoga	9/14/2011	10/31/2011	66.00	Easement	S CI	503-48-014 (portion), 517-32-001
Thornewood	Portola Investment Co.	8/18/2005	8/18/2005	3.26	Fee	SM	Dennis Martin Road (No APN)
Windy Hill	NCPHS (The Sequoias)	12/15/2004	12/21/2004	5.79	Easement	SM	079-200-030 (portion)
Windy Hill	Town of Portola Valley	5/24/2000	6/30/2000	23.00	Easement	SM	080-250-160 and-080 (portion), 080-241-430 (portion)
			TOTAL	1,949.02			

Dedication Status Summary Report

Preserve	Fee , Easements and Other			Fee Acreage			Easements on Private Land			Easements on Public Land			Lease and Management	Contribution Only	Other Interest
	Dedicated Acres	Undedicated Acres	Total Acres	Dedicated	Undedicated	Intended	Dedicated	Undedicated	Intended	Dedicated	Undedicated	Intended			
Bear Creek Redwoods	1,355.15	76.54	1,431.69	1,355.15	74.61	74.30	0.00	1.93	1.20	0.00	0.00	0.00	0.00	0.00	0.00
Briggs Creek	0.00	1.00	1.00	0.00	1.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Coal Creek	507.18	1.20	508.38	507.18	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	1.20
Costanoan Way	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Edgewood County Park	468.00	0.00	468.00	0.00	0.00	0.00	0.00	0.00	0.00	468.00	0.00	0.00	0.00	0.00	0.00
El Corte de Madera Cre	2,812.79	3.80	2,816.59	2,812.79	3.80	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
El Sereno	1,392.95	21.67	1,414.62	1,392.83	20.63	0.00	0.12	0.35	0.00	0.00	0.00	0.00	0.00	0.00	0.69
Felton Station	0.00	43.21	43.21	0.00	43.21	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Foothills	211.28	0.40	211.68	211.28	0.00	0.00	0.00	0.40	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Fremont Older	735.09	4.00	739.09	735.09	0.00	0.00	0.00	4.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
G.G.N.R.A.	0.00	1,227.26	1,227.26	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	1,227.26	0.00
La Honda Creek	2,001.74	3,757.91	5,759.65	2,001.57	3,757.91	3,690.70	0.17	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Long Ridge	1,941.56	93.13	2,034.69	1,928.41	39.79	0.00	13.15	0.00	0.00	0.00	0.00	0.00	39.33	0.00	14.01
Los Trancos	274.31	0.00	274.31	274.31	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Miramontes Ridge	991.63	160.00	1,151.63	991.63	160.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Monte Bello	3,030.40	247.19	3,277.59	3,030.40	128.02	54.12	0.00	24.90	24.90	0.00	0.00	0.00	85.37	0.00	8.90

Preserve	Fee , Easements and Other			Fee Acreage			Easements on Private Land			Easements on Public Land			Lease and Management	Contribution Only	Other Interest
	Dedicated Acres	Undedicated Acres	Total Acres	Dedicated	Undedicated	Intended	Dedicated	Undedicated	Intended	Dedicated	Undedicated	Intended			
Moody Gulch	0.00	163.86	163.86	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	163.86	0.00
Picchetti	307.89	0.00	307.89	307.89	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Pulgas Ridge	365.78	0.10	365.88	365.78	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.10
Purisima Creek	3,272.23	1,438.76	4,710.99	3,272.23	1,168.66	555.31	0.00	0.00	0.00	0.00	0.00	0.00	270.00	0.00	0.10
Rancho San Antonio	3,693.89	294.55	3,988.44	2,178.53	1.20	0.00	1,515.36	0.50	0.00	0.00	0.00	0.00	292.85	0.00	0.00
Ravenswood	371.67	4.33	376.00	273.67	0.00	0.00	0.00	1.45	0.00	0.00	2.88	0.00	98.00	0.00	0.00
Russian Ridge	2,915.83	221.69	3,137.52	2,915.83	215.69	97.89	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	6.00
Saratoga Gap	1,345.57	262.41	1,607.98	1,345.57	196.41	0.00	0.00	0.00	0.00	0.00	66.00	66.00	0.00	0.00	0.00
Sierra Azul	5,381.41	13,371.92	18,753.33	4,940.99	13,225.46	1,634.41	68.42	30.44	20.25	372.00	0.00	0.00	114.79	0.00	1.24
Skyline Ridge	2,132.50	10.00	2,142.50	2,051.53	10.00	0.00	80.97	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
St. Joseph's Hill	267.64	2.50	270.14	173.64	0.00	0.00	94.00	2.50	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Steven's Creek Shoreline	54.74	0.00	54.74	53.74	0.00	0.00	1.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Teague Hill	623.76	2.38	626.14	623.76	2.38	2.38	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Thornewood	153.51	13.26	166.77	148.96	3.26	0.00	4.55	10.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Tunitas Creek	707.48	0.00	707.48	707.48	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Windy Hill	1,304.49	109.50	1,413.99	1,304.49	80.71	78.71	0.00	5.79	5.79	0.00	23.00	0.00	0.00	0.00	0.00
All Preserves	38,620.46	21,532.57	60,153.03	35,904.72	19,132.73	6,187.82	1,777.74	82.26	52.14	840.00	91.88	66.00	900.34	1,391.12	32.24

Note: Excludes acreage where "Interest Held By Other"



Attachment 3a: Property Proposed for Dedication: La Honda & Purisima Creek

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|---|---|---|
|  Highlighted Property |  Watershed Land |  Management Agreement |
|  MROSD Preserves |  Other Public Agency |  Non MROSD Conservation or Agricultural Easement |
|  Other Protected Open Space or Park Lands |  Private Property |  MROSD Conservation or Agricultural Easement |
|  Land Trust |  Developed Land | |

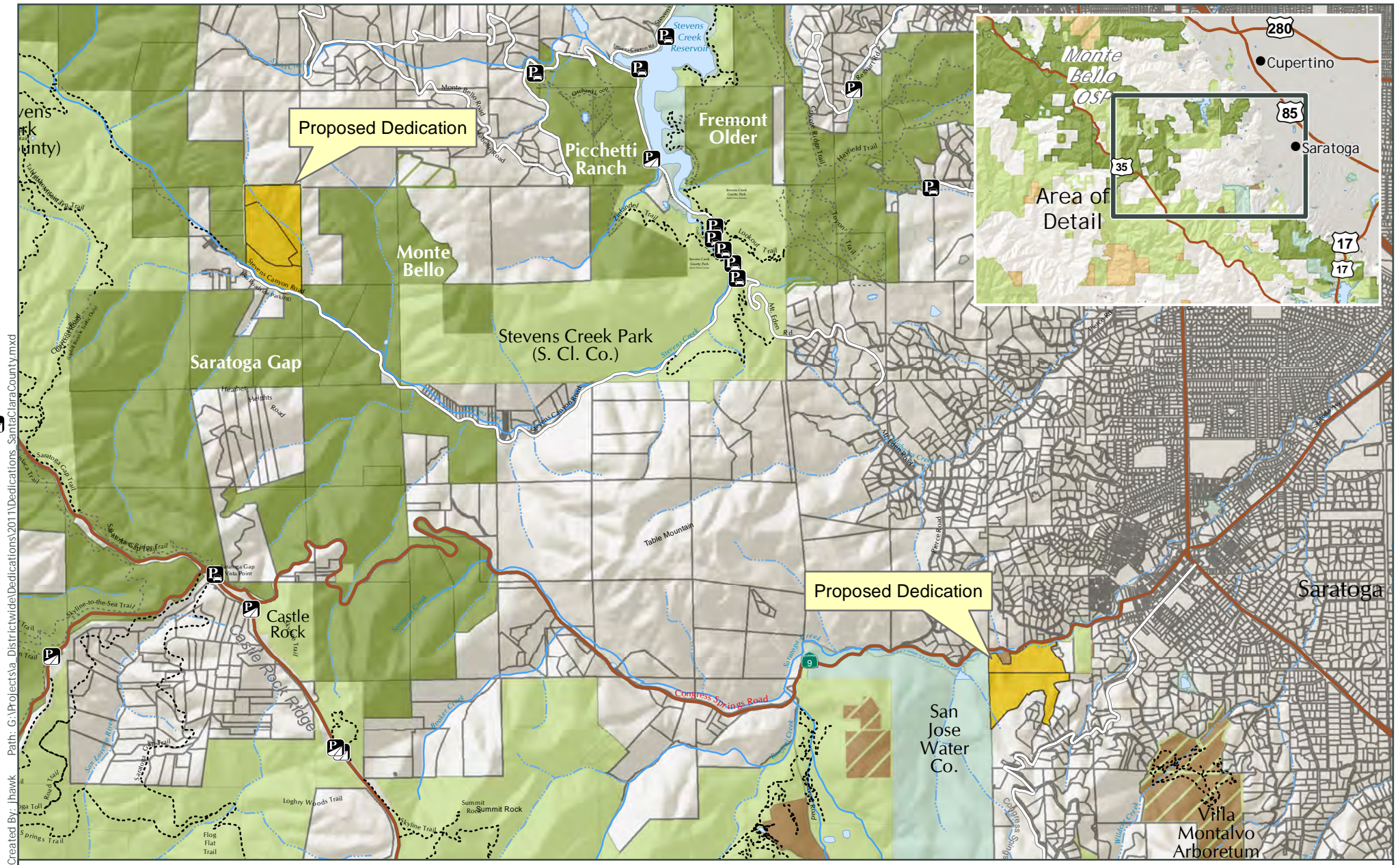
Midpeninsula Regional
Open Space District
(MROSD)



January, 2012



While the District strives to use the best available digital data, this data does not represent a legal survey and is merely a graphic illustration of geographic features.



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Attachment 3b: Property Proposed for Dedication: Santa Clara County

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|---|---|---|
|  Highlighted Property |  Watershed Land |  Management Agreement |
|  MROSD Preserves |  Other Public Agency |  Non MROSD Conservation or Agricultural Easement |
|  Other Protected Open Space or Park Lands |  Private Property |  MROSD Conservation or Agricultural Easement |
|  Land Trust |  Developed Land | |

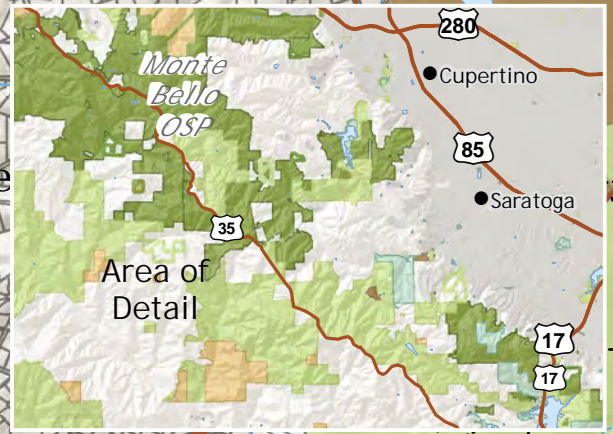
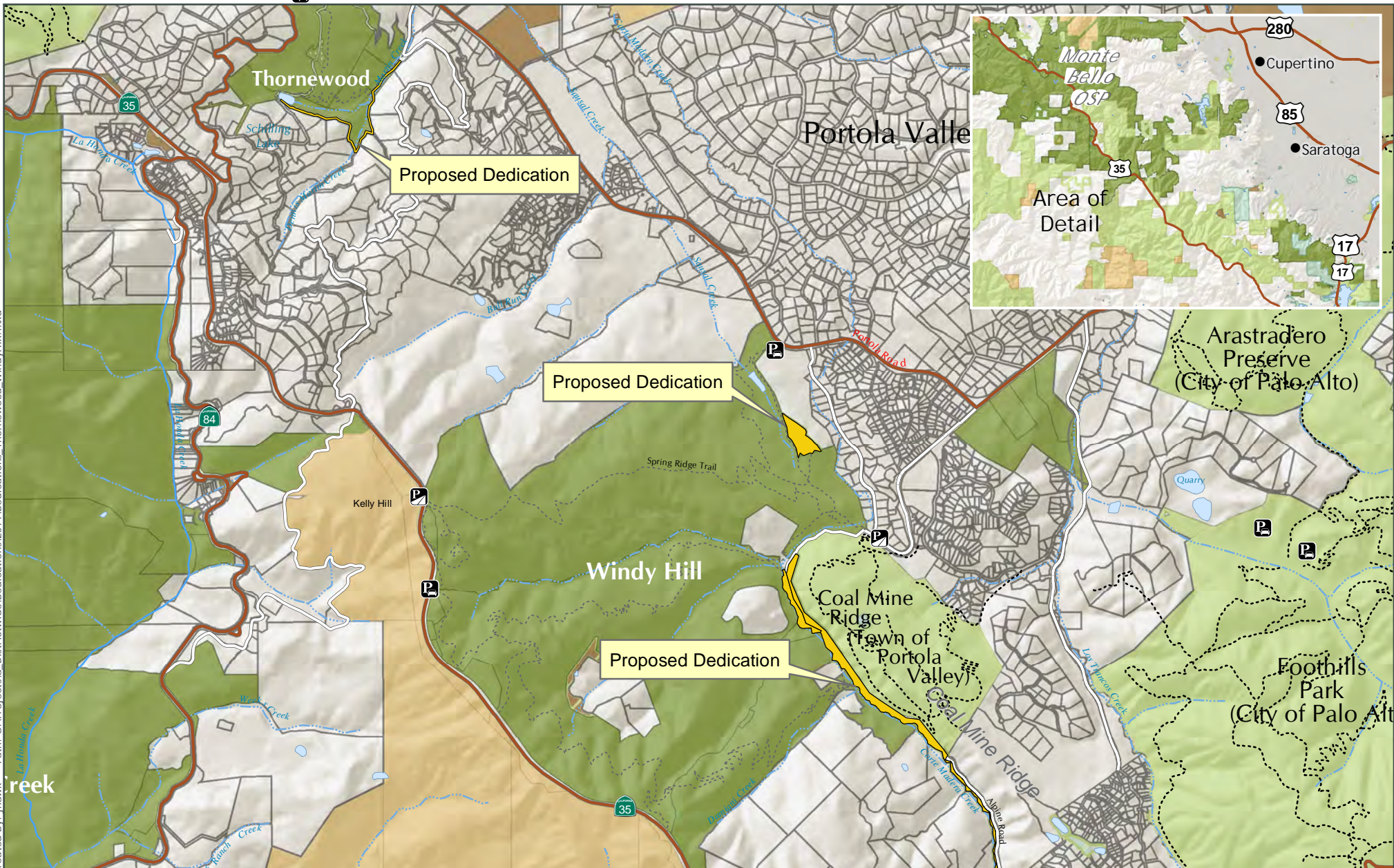
Midpeninsula Regional
Open Space District
(MROSD)



January, 2012



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Attachment 3c: Property Proposed for Dedication: Thornewood & Windy Hill

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|--|--|--|---------------------|--|---|
| | Highlighted Property | | Watershed Land | | Management Agreement |
| | MROSD Preserves | | Other Public Agency | | Non MROSD Conservation or Agricultural Easement |
| | Other Protected Open Space or Park Lands | | Private Property | | MROSD Conservation or Agricultural Easement |
| | Land Trust | | Developed Land | | |

Midpeninsula Regional Open Space District (MROSD)



January, 2012



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