



Midpeninsula Regional  
Open Space District

R-13-44  
Meeting 13-10  
April 24, 2013

**AGENDA ITEM 5**

**AGENDA ITEM**

Approval of Santa Clara County Funding Agreement to Support District's Purchase of the Former Lobner Trust Property as an Addition to Monte Bello Open Space Preserve located at 18000 Stevens Canyon Road in unincorporated Santa Clara County (Assessor's Parcel Number 351-13-018)

**GENERAL MANAGER'S RECOMMENDATIONS**

1. Determine that the recommended actions are categorically exempt from the California Environmental Quality Act (CEQA) as set out in this report.
2. Adopt the attached Resolution authorizing the execution of the Funding Agreement with the County of Santa Clara towards the purchase of the former Lobner Trust property, including conveyance of a Conservation Easement over the property to the County

**SUMMARY**

The Midpeninsula Regional Open Space District (District) is proposing to enter into a Funding Agreement with the County of Santa Clara (County) for the District's purchase of the 10.79-acre Lobner Trust in February of 2013, and to convey to the County a conservation easement over the former Lobner Trust property. The following report presents a description of the proposed funding contribution from the County, and the terms and conditions of the conservation easement conveyance to the County.

**DISCUSSION**

**Property Description (see attached map)**

At the January 23, 2013 Regular Meeting, the Board approved the purchase of the 10.79-acre Lobner Trust property as an addition to Monte Bello Open Space Preserve (see Report R-13-19). The County has agreed to contribute \$225,000 toward the District's purchase of this 10.79-acre property, which is 50% of the total \$450,000 purchase price of the subject property. Upon Board approval, the Funding Agreement will be submitted to the County Board of Supervisors for final approval in the spring of 2013. The County and the District have long cooperated to purchase properties and trail rights on the north side of Stevens Canyon in order to complete the Stevens

Canyon Trail that will connect Stevens Creek County Park to Upper Stevens Creek County Park and the Monte Bello and Saratoga Gap Open Space Preserves.

In exchange for the County's financial contribution, the County will receive a conservation easement over the former Lobner Trust 10.79-acre property. The conservation easement requires that the property be maintained in a natural condition and that the District dedicate the property as public open space, preserve the natural habitat and wildlife, and for passive public recreational use. The easement also requires the District to submit any plans for developing open space facilities or undertaking significant restoration activities to the County for advisory review, and to consult with the County on any future Master Plan that includes this property.

The conservation easement includes a stipulation that the District and County will enter into a trail construction and maintenance agreement within five years after the District and County have secured the land entitlements necessary to precede with the proposed extension of the Stevens Creek Trail. It is understood that each agency would have the responsibility for maintaining the trail segments located on their respective lands. Any such trail agreement would be developed and brought to the District Board for consideration at a future date once the proposed trail corridor is secured and the District and County are ready to commence trail planning and design.

The County has previously approved similar funding agreements for the District's purchase of the former Keyani, Hall and Powell properties along the north side of Stevens Canyon and within the planning corridor for the extension to Stevens Canyon Trail.

### **CEQA COMPLIANCE**

This transaction was determined to be categorically exempt from CEQA at your December 14, 2005 meeting. The findings detailed in the prior staff Report (see Report R-13-19) remain in effect and unchanged. The project now also includes the conveyance of a conservation easement to the County of Santa Clara to preserve and maintain the open space nature of the property.

The District further concludes that the project is exempt under Article 19, Section 15317 of the CEQA Guidelines, which exempts the establishment of easements in order to maintain the open space character of an area.

The District concludes that the action proposed in this report does not constitute a change to the project, which would result in any additional impact on the environment.

### **FISCAL IMPACT**

The funds for this purchase are included in the FY2013-14 budget. The \$225,000 contribution from Santa Clara County will reimburse the District for 50% of the purchase price of \$450,000 for the Lobner Trust property addition to Monte Bello Open Space Preserve which was completed in February 2013.

**BOARD COMMITTEE REVIEW**

In order to meet the strict timeline requirements contained within the District's First Right of Offer the Lobner Trust property purchase was not presented to the Real Property Committee.

**PUBLIC NOTICE**

Public notice was provided as required by the Brown Act. No additional notice is required.

**NEXT STEPS**

Upon approval by the Board of Directors, the Funding Agreement will go to the Santa Clara County Board Supervisors for approval later this spring, and staff will proceed with the close of escrow for the conservation easement conveyance to the County

Attachments:

- Resolution
- Map

Responsible Department Head:

Michael C. Williams, Real Property Manager

Prepared by:

Michael C. Williams, Real Property Manager

Contact person:

Same as above

Graphics prepared by:

Alex Roa, Planner I

**RESOLUTION NO. 13-XX**

**RESOLUTION OF THE BOARD OF DIRECTORS OF THE  
MIDPENINSULA REGIONAL OPEN SPACE DISTRICT  
AUTHORIZING EXECUTION OF THE FUNDING  
AGREEMENT WITH THE COUNTY OF SANTA CLARA  
AND EXECUTION OF AN CONSERVATION EASEMENT,  
AND AUTHORIZING THE GENERAL MANAGER TO  
EXECUTE ANY AND ALL OTHER DOCUMENTS  
NECESSARY OR APPROPRIATE TO THE CLOSING OF  
THE TRANSACTION (MONTE BELLO OPEN SPACE  
PRESERVE– FORMER LANDS OF LOBNER TRUST)**

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

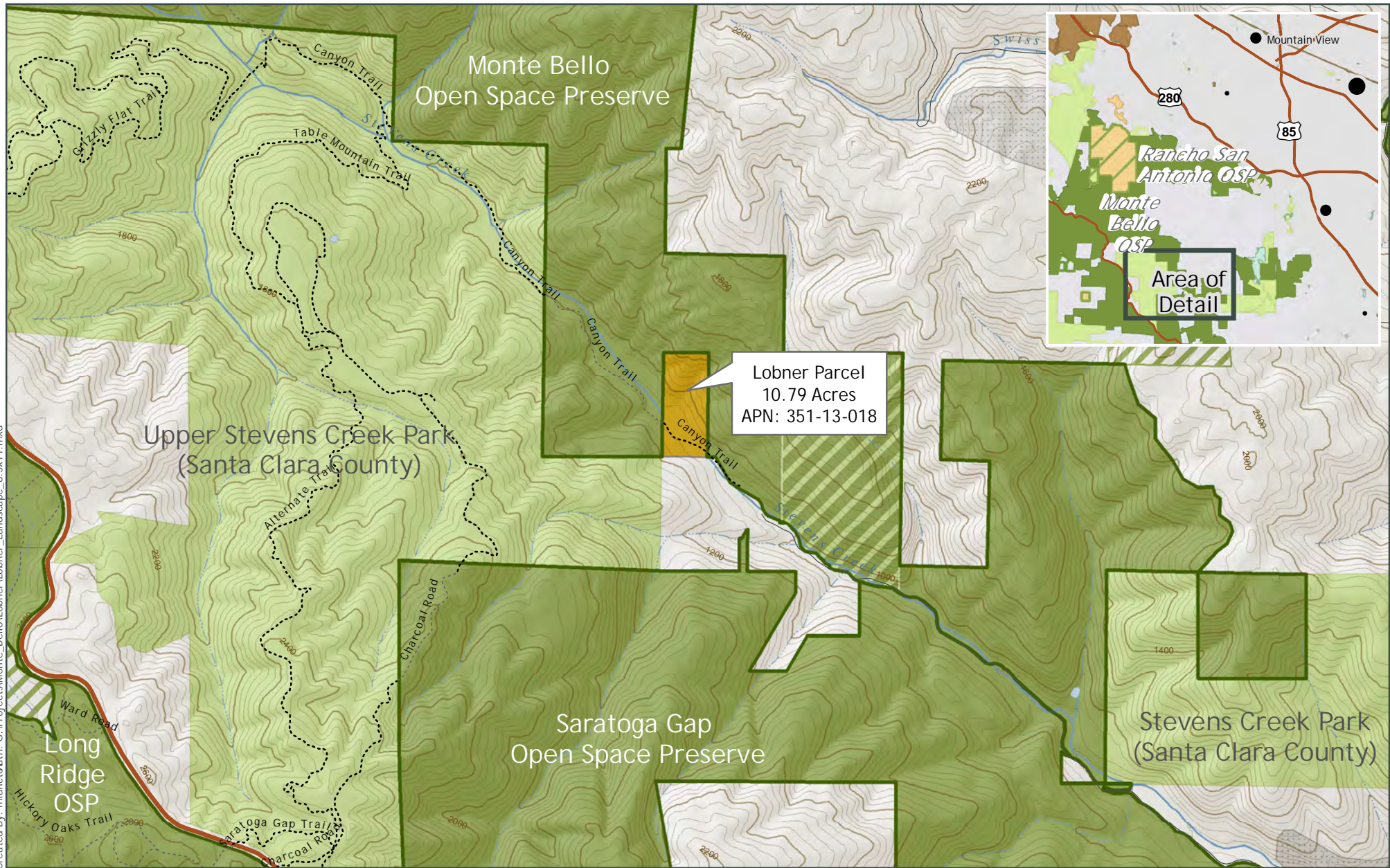
Section One. The Board of Directors of the Midpeninsula Regional Open Space District does hereby accept the offer contained in that certain Funding Agreement between the County of Santa Clara and the Midpeninsula Regional Open Space District, a copy of which is attached hereto and by reference made a part hereof, and authorizes the General Manager or President of the Board of Directors or other appropriate officer to execute the Agreement on behalf of the District.

Section Two. The President of the Board of Directors, or other appropriate officer, is authorized to execute the attached Conservation Easement conveying certain real property rights by the District to the County of Santa Clara as provided in said Agreement.








Section Three. The General Manager or the General Manager’s designee shall cause to be given appropriate notice of acceptance to the County. The General Manager or the General Manager’s designee is further authorized to execute any and all other documents in escrow necessary or appropriate to the closing of the transaction.

Section Four. The General Manager and General Counsel are further authorized to approve any technical revisions to the attached Agreement and documents which do not involve any material change to any term of the Agreement or documents, which are necessary or appropriate to the closing or implementation of this transaction.

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### Lobner Property

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|--|--|---|
|  Lobner Parcel                            |  Watershed Land   |  Non MROSD Conservation or Agricultural Easement |
|  MROSD Preserves                          |  Private Property |  MROSD Conservation or Agricultural Easement     |
|  Other Protected Open Space or Park Lands |  Developed Land   |   |

Midpeninsula Regional Open Space District (MROSD)



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November, 2012