



Midpeninsula Regional
Open Space District

R-14-87
Meeting 14-14
June 11, 2014

AGENDA ITEM 5

AGENDA ITEM

Approval of an Access Easement and Quitclaim Deed between Alepin Family Trust and the Midpeninsula Regional Open Space District, Rancho San Antonio Open Space Preserve located at 11920 Rhus Ridge Road, Los Altos Hills, California (Santa Clara County Assessor's Parcel Number 336-31-026), and Determine that the Recommended Actions are Categorically Exempt from the California Environmental Quality Act.

GENERAL MANAGER'S RECOMMENDATIONS

A handwritten signature in black ink, appearing to be "J. J. [unclear]".

1. Determine that the recommended actions are categorically exempt from the California Environmental Quality Act (CEQA), as set out in this report.
2. Adopt a Resolution authorizing an Access Easement and Acceptance of a Quitclaim deed between the District and Alepin Family Trust.

SUMMARY

The District has an opportunity to clear ambiguities in its title and aid an adjacent property owner with the resolution of access rights to their residence at the entrance to the Rhus Ridge parking area at Rancho San Antonio Open Space Preserve. To this end, the General Manager recommends granting a new Access Easement to the Alepin Family Trust (Alepin) and accepting a quitclaim deed from Alepin. These actions would have no fiscal impact to the District's budget.

DISCUSSION

Background

During the summer of 2013, the District was contacted by the Alepins with an interest in perfecting their access easement serving their single family residence, which shares the entrance road to the Rhus Ridge parking lot at Rancho San Antonio Open Space Preserve. In 1986 when the Alepins were conducting due diligence for the purchase of their property on Rhus Ridge Road, they discovered that the access driveway to the property was partially located on the adjacent Duveneck property. Prior to closing escrow, the Alepins' predecessor in title secured an access easement from the Duvenecks that resolved this issue. In addition, the predecessor in title may have also secured an exclusive 600 square foot recreational easement from the Duveneck's (the purpose of this easement remains unknown). In the spring of 2013, the Alepins decided to list their property for sale and discovered that the access easement and recreational easement

granted from the Duvenecks were never recorded; therefore, there was a cloud on title that would need to be resolved before a sale of their property could occur.

The District purchased the former Duveneck Property in 1987 (R-87-152). Since the Alepins' access easement from the Duveneck Property was never recorded, this easement does not show as an exception on the District's title. The Alepins provided a copy of the fully executed and acknowledged access easement from the Duvenecks to their predecessor in title. The District now has the opportunity to exchange an access easement to help resolve this error that has become a significant title problem for the Alepins, in return for Alepin's extinguishing the unrecorded access and recreational easements through a quitclaim deed to the District.

The recommended access easement would be over a shared driveway that serves as the Alepins' primary residential access, the District's access to the Rhus Ridge public staging area, and the residential access to a District caretaker residence.

Access Easement

The new access easement would provide ingress and egress rights across a small portion of the District's property to the Alepins' residential property located adjacent to the District's Rhus Ridge public staging area. The proposed access easement would have a much smaller footprint and impact on District property than the unrecorded 1986 easement and includes the following key terms and conditions:

1. The District shall grant the Alepins a non-exclusive access easement to their existing residence over an existing asphalt driveway.
2. The Alepins shall cover all associated survey costs.
3. The Alepins acknowledge the continued use of the road for accessing the Preserve staging/parking area, and trails as well as the, caretaker's residence.
4. Repair and maintenance of the access road will be based on the proportional use of the road.
5. The Alepins shall quitclaim any and all rights to the 1986 unrecorded access easement and a 600 square foot recreational easement over District property.

Because the District property burdened with this proposed easement is dedicated land, a unanimous vote of the Seven Board members is required to approve this deal.

Quitclaim Deed

The Alepins would provide a quitclaim deed to the District quitclaiming any and all rights to the unrecorded 1986 ingress and egress easement and a 600 square foot recreational use easement.

CEQA COMPLIANCE

Project Description

The project consists of granting an egress and ingress access easement for residential purposes and quitclaiming any rights to an unrecorded access easement and recreational easement.

CEQA Determination

The District concludes that this project will not have a significant effect on the environment. The project is categorically exempt from CEQA under Article 19, Sections 15301 of the CEQA Guidelines as follows:

Section 15301 exempts operation, repair, restoration, maintenance, permitting, leasing, licensing or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of use beyond that existing at the time of the lead agency's determination. The new access easement is over an existing asphalt driveway and there will be no new construction associated with the grant of easement.

The project is also exempt under 15061(b)(3), as there is no possibility the actions can have a significant effect on the environment.

BOARD COMMITTEE REVIEW

There was no Committee review for this agenda item as it requires unanimous Board action.

FISCAL IMPACT

The issuance of the access easement to the Alepin Family Trust and acceptance of the quitclaim deed will have no fiscal impact to the District's budget.

PUBLIC NOTICE

Public notice was provided as required by the Brown Act.

NEXT STEPS

Pending Board approval, the easement and quitclaim deed would be executed and delivered for recording.

Attachments:

1. Resolution
2. Location Map

Responsible Department Manager:
Michael Williams, Real Property Manager

Prepared by:
Allen L. Ishibashi, Real Property Specialist

Graphics prepared by:
Jon Montgomery, Planning Technician

RESOLUTION NO. 14-__

RESOLUTION OF THE BOARD OF DIRECTORS OF THE MIDPENINSULA REGIONAL OPEN SPACE DISTRICT (DISTRICT) APPROVING AND AUTHORIZING THE PRESIDENT OF THE BOARD, GENERAL MANAGER, OR OTHER APPROPRIATE OFFICER TO EXECUTE AN ACCESS EASEMENT TO ALEPIN FAMILY TRUST, EXECUTE A CERTIFICATE OF ACCEPTANCE FOR THE QUITCLAIM DEED TO THE DISTRICT, AND AUTHORIZING THE GENERAL MANAGER AND GENERAL COUNSEL TO EXECUTE ANY AND ALL OTHER DOCUMENTS NECESSARY OR APPROPRIATE TO COMPLETE THE TRANSACTION (RANCHO SAN ANTONIO OPEN SPACE PRESERVE – ALEPIN FAMILY TRUST)

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 (District) does hereby accept the Quitclaim Deed from the Alepin Family Trust, and authorizes the General Manager, President of the Board of Directors, or other appropriate officer to execute the certificate of acceptance on behalf of the District.

Section Two. The President of the Board, General Manager, or other appropriate officer is authorized to execute the Access Easement to the Alepin Family Trust.

Section Three. The General Manager and General Counsel are authorized to execute any and all other documents necessary or appropriate to the closing of the transaction approved in this Resolution. The General Manager and General Counsel are further authorized to approve minor or technical revisions to the Access Easement and Quitclaim Deed that do not involve any substantial changes to any terms of the easement and quitclaim deeds, and which are necessary or appropriate to the closing or implementation of this transaction.

Section Four. The Board of Directors finds and determines that, pursuant to Section 5540.5 of the Public Resources Code of the State of California, the granting and acceptance of these fee and easement property interests are consistent with Public Resources Code 5540.5, that the real properties being acquired by the District are of equal or greater value than the real property being transferred to the Alepin Family Trust, and are necessary to be acquired for open space purposes.

* * * * *

PASSED AND ADOPTED by the Board of Directors of the Midpeninsula Regional Open Space District on _____, 2014, at a Regular Meeting thereof, by the following vote:

- AYES:**
- NOES:**
- ABSTAIN:**
- ABSENT:**

ATTEST:

APPROVED:

Secretary
Board of Directors

President
Board of Directors

APPROVED AS TO FORM:

General Counsel



I, the District Clerk of the Midpeninsula Regional Open Space District, hereby certify that the above is a true and correct copy of a resolution duly adopted by the Board of Directors of the Midpeninsula Regional Open Space District by the above vote at a meeting thereof duly held and called on the above day.




District Clerk

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Alepin Access Easement - Rancho San Antonio Open Space Preserve
APNs: 336-43-017 & 336-43-010

-  MROSD Preserves
-  Alepin Property

-  Access Easement
-  Parking Lot
-  Residence

Midpeninsula Regional
 Open Space District
 (MROSD)

May, 2014



AlepinAccessEasement&".mxd"

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.