



Midpeninsula Regional
Open Space District

R-14-138
Meeting 14-32
November 12, 2014

AGENDA ITEM 4

AGENDA ITEM

Deed Restriction as Required by Habitat Conservation Fund and Land and Water Conservation Fund Grants for El Corte de Madera Creek Staging Area and Trails Project

GENERAL MANAGER'S RECOMMENDATION

A handwritten signature in black ink, appearing to be "JLD".

Authorize the General Manager to execute a deed restriction on parcels that pertain to the El Corte de Madera Creek Staging Area and Trails Project to fulfill Habitat Conservation Fund and Land and Water Conservation Fund Grant Agreements

SUMMARY

In September and October of 2010, the Board of Directors of the Midpeninsula Regional Open Space District (District) adopted resolutions approving two grant applications for funds from the Habitat Conservation Fund (HCF) Program and Land and Water Conservation Fund (LWCF) for implementation of the El Corte de Madera Creek (ECdM) Staging Area and Trails Project (R-10-106 and R-10-112). In 2011, the District was awarded \$106,000 through these grant programs to fund the implementation of trails, trailhead signage, site infrastructure, and a restroom. Subsequent to 2010 Board approval to negotiate the grant, the granting agencies imposed a new requirement for deed restrictions as part of the grant. The recordation of a deed restriction, ensuring that the property is used for a purpose consistent with the grant scope for the length of the contract performance period, is now required before the District can receive reimbursement funds.

DISCUSSION

The HCF Program provides matching state funds to local agencies for the acquisition of wildlife corridors and urban trails, nature interpretation programs, and other programs that bring urban residents into parks and wildlife areas. The grant program requires a non-state dollar-for-dollar match. Eligible match sources include local, federal, or private funds, or donated materials and services. The LWCF Program provides federal funds to acquire outdoor recreation areas and develop trails, campgrounds, picnic areas, natural areas and cultural areas for recreational use. The grant program requires a non-federal dollar-for-dollar match. Eligible match sources include local, state, or private funds, or donated materials and services. In combination, the District was awarded \$106,000 through these grant programs to fund implementation of trails, trailhead signage, infrastructure, and restroom as part of the El Corte de Madera Creek Staging Area and Trails Project.

Both the HCF and LWCF require grant recipients to record a deed restriction or other recordable document to restrict future use of the property to parks and recreation purposes, thus ensuring that the grant-funded improvements remain open to the public throughout the life of the grant performance contract, which ends on June 30, 2031.

While the Resolutions adopted in 2010 delegate authority to the General Manager to conduct all negotiations, execute and submit all documents, it does not specifically state the requirement of a deed restriction to receive reimbursement. This new provision of these programs was implemented by the granting agencies after the ECdM grant applications were submitted in 2010. For previous HCF grants, the District has recorded the grant contract through the appropriate county. For LWCF grants, this deed restriction will be in addition to the previous requirement to record a map (called the 6(f)(3) boundary map) of the Preserve with the National Park Service preserving the public's outdoor recreational use of the site in perpetuity.

Given the location of the ECdM Staging Area and Trails project, the Preserve's prominence as a key regional recreational destination, its adjacency to a sensitive watershed, and its role in serving as a critical Bay Area Ridge Trail link, the General Manager recommends executing a deed restriction on the El Corte de Madera Creek project parcels to protect the unique recreational opportunities and benefits that this site provides for the larger public. The deed restriction would be recorded on parcel numbers 072-320-320 and 072-320-200.

FISCAL IMPACT

All expenses related to the El Corte de Madera Creek Staging Area and Trails Project were originally covered by the District's general fund. Reimbursement monies totaling \$282,000 from the Bay Area Ridge Trail Council - Coastal Conservancy grant were received and staff is now seeking reimbursement for the remaining grant funds of \$106,000 from the HCF and LWCF.

BOARD COMMITTEE REVIEW

The original grant applications were not previously reviewed by a Committee and instead were brought directly to the full Board in September and October 2010. This item is being brought directly to the full Board due to the time sensitive nature of the grant reimbursement process.

PUBLIC NOTICE

Public notice was provided as required by the Brown Act.

CEQA COMPLIANCE

For the HCF and LWCF grants, CEQA compliance was required at the time of application. Staff completed a Mitigated Negative Declaration for the project, which the District's Board of Directors adopted on February 10, 2010. A Notice of Determination was filed with the San Mateo County Clerk Recorder on February 16, 2010.

NEXT STEPS

Upon District Board authorization, the General Manager will execute a deed restriction to fulfill HCF and LWCF grant requirements and request reimbursement for the full grant amount of \$106,000.

Attachment

1. Map of Project Area

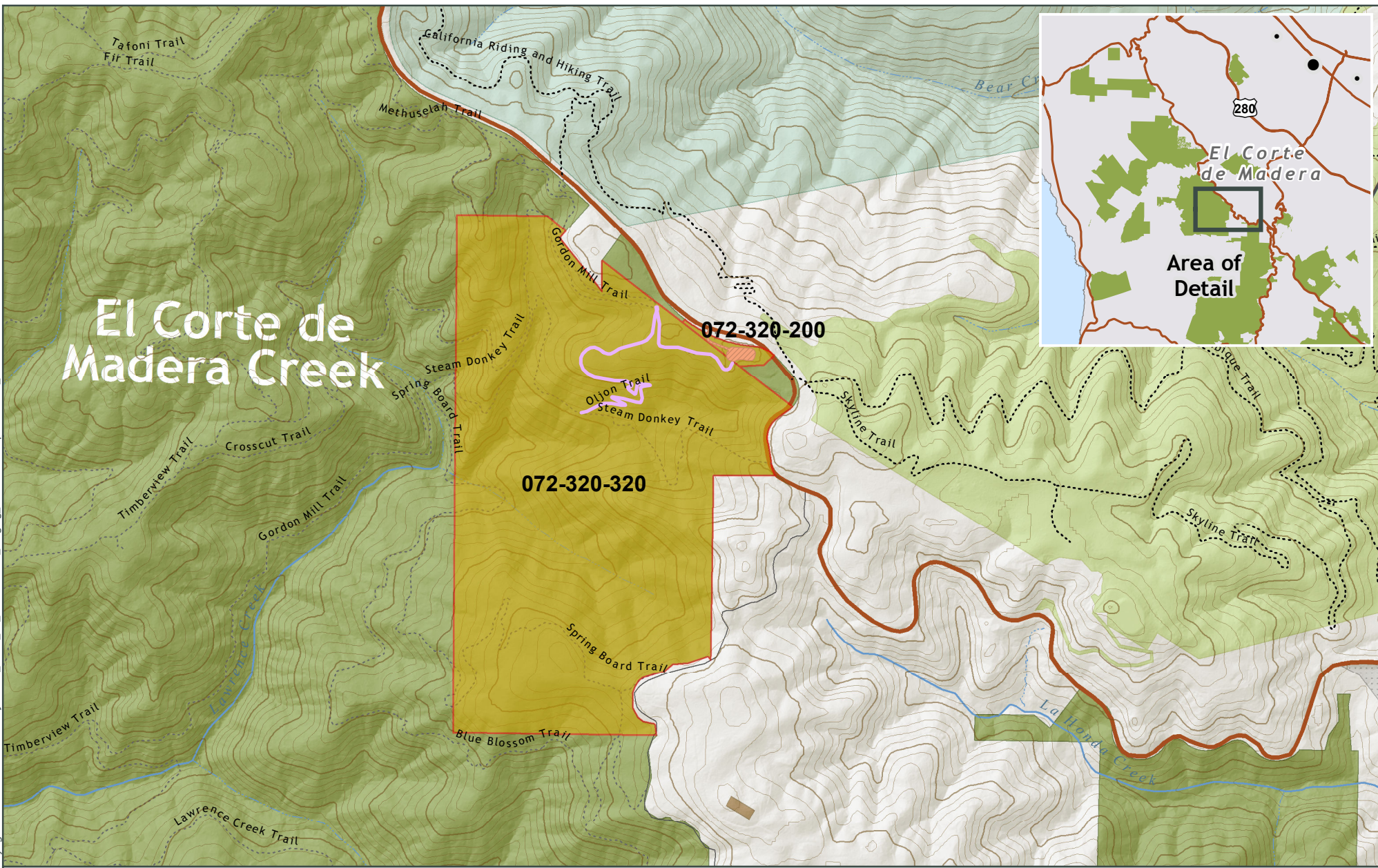
Responsible Department Head:

Jane Mark, AICP, Planning Department

Prepared by:


Gretchen Laustsen, Planner II, Planning Department

Path: G:\Projects\El_Corte_de_Madera\New_Staging_Area\GrantMaps\ExhibitA_Deed_Restriction.mxd
Created By: glauستن



El Corte de Madera Creek

El Corte de Madera Creek Trails and Staging Project Parcels

-  MROSD Preserves
-  Other Protected Open Space or Park Lands
-  Watershed Land
-  Project Parcels
-  Trail
-  Parking_Lot

This map was used by _____
at the (date) meeting to
communicate _____.

Midpeninsula Regional
Open Space District
(MROSD)



October, 2014

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.