

Midpeninsula Regional Open Space District

R-15-158 Meeting 15-31 December 9, 2015

## AGENDA ITEM

## AGENDA ITEM 4

Annual Dedication of Certain District Lands and Dedication Status Report

# GENERAL MANAGER'S RECOMMENDATION

Adopt a 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 upon the condition that the land continues to be protected as open space in perpetuity. Of the 62,930.56 acres preserved by the District, 1919.55 acres include property rights such as leases and management agreements that prevent these lands from being dedicated, leaving 61,011.01 acres of marketable interests in land. Of the marketable interests, 40,709.75 acres (66.7%) are dedicated and 20,301.26 acres (33.3%) are undedicated. If the Board of Directors (Board) adopts the attached recommended resolution to dedicate 471.55 additional acres as further discussed in this report, 41,181.30 acres (67.5%) of marketable acres will be dedicated and 19,829.71 acres (32.5%) will remain 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, the Board has, by adopted policy, dedicated lands on an annual basis for open space purposes, 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 funding partnerships. In this way, the District retains its ability to acquire land and assemble open space preserves in a manner that best serves the public.

Per the Dedicated Lands Policy, the Board receives an Annual Report each year indicating the status of District lands as dedicated or undedicated. 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 on whether to indicate an intention to dedicate certain interests in land, such as fee title or easements. 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 often prudent to wait until the 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 Dedication Status Summary Report (Attachment 1) gives a detailed summary of the current acres held within District preserves and the dedication status of those lands. Only those parcels for which (1) transactions have closed escrow and (2) title has passed to the District on or before December 1, 2015 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 tables below provide compiled summaries of the District's interests and their dedication status.

Land Interests of District		Acres	
Fee Title Interests		57,726.13	
Lesser Interests		5,204.43	
Total District Interests	62,930.56		
Lands with lesser interest that prevent dedication	-1919.55		
Total acres of lands with marketable interests	61,011.01		
Dedication status of lands with marketable interests	%	Acres	
Dedicated lands	66.7	40,709.75	
Undedicated lands	33.3	20,301.26	
Total acres of lands with marketable interests	100.0	61,011.01	

The last annual Dedication Report was presented to the Board in February 2014 (R14-24). The table below reports total lands acquired in 2014 and 2015.

Year	Acres	Interest Type	Appraised Value	District Expenditure	Partner funds, grants or gifts		
2014	148.21	Fee	\$3,605,000.00	\$3,600,000.00	\$5,000.00		
2015	647.27	Fee <sup>1</sup>	\$12,895,000.00	\$10,287,500.00	\$2,607,500.00		
2015	393.20	Easement <sup>2</sup>	\$2,950,000.00	\$2,500,000.00	\$450,000.00		
Total	1,188.70		\$19,450,000.00	16,387,500.00	\$3,062,500.00		

<sup>1</sup>The fee interest acquisitions included the purchase of two properties formerly operated by the District under Lease and Management Agreements (POST Apple Orchard/Event Center in La Honda Open Space Preserve (OSP) and POST Hendrys Creek in Sierra Azul OSP).

<sup>2</sup>The easement interests included the POST (Alpine Ranch) and Ridge Vineyards conservation easements and the Lehigh Quarry - Monte Bello OSP trail easement.

#### Recommended Dedications (see Attachment 3 for 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:

## Monte Bello Open Space Preserve (OSP)

*Lysons Property*: In 2015, the District purchased the 60-acre Sargent Lysons Family Trust property as an addition to the Monte Bello OSP. This transaction completed the assemblage of property needed to connect Lower Stevens Creek County Park to Upper Stevens Creek County Park through Monte Bello OSP, provide a connection from Picchetti Ranch OSP, and facilitate completion of the Upper Stevens Creek Trail (Measure AA Portfolio #17). The purchase price was \$1,480,000.00. The District funded 50% of the purchase (\$740,000.00) from Measure AA and partnered with Santa Clara County, whereby the County contributed the remaining \$740,000.00 in exchange for a conservation easement over the entire property. The easement requires that the property be maintained in a natural condition for the conservation of natural habitat and for passive public recreational use.

*Rodgers/INE Ranch Property:* In February 2014, the District purchased the Rogers property, comprised of three parcels totally 147.96 acres, as an addition to the Monte Bello OSP. The purchase price was \$3,600,000.00. The purchases of this property furthered the protection of the Stevens Creek watershed, red-legged frog habitat, and the scenic view shed from Monte Bello Road.

*Ridge Vineyards Property*: In 2014, the District completed a fee title land exchange with Ridge Vineyards to transfer 11.93 acres, to be added to Monte Bello OSP, in exchange for 11.74 acres of District land transferred to Ridge. In 2015 as part of their easement exchange, Ridge Vineyards granted a conservation easement to the District on 34.03 acres to be added to the Preserve and the District granted a 33.91 acre agricultural easement to Ridge Vineyards. A Declaration of Covenants, Conditions and Restrictions (CC&Rs) was conveyed by the District over 2.99 acres, resolving winery facility encroachments on District lands and protecting views within the Preserve along Waterwheel Trail and the Monte Bello ridgeline. The 11.93 acres of new open space and the 34.03 acre conservation easement and 2.99 acre CC&Rs are all recommended for dedication. The fee title exchange and conservation easement was acquired at no cost to the District.

## **Russian Ridge Open Space Preserve**

*Silva Property:* In 2011, the District purchased the 97.5 acre Peninsula Open Space Trust's (Silva) Property, at a price of \$3,090,000.00, as an addition to Russian Ridge OSP. As part of the transaction, the District received a grant from the California Coastal Conservancy in the amount of \$500,000.00 to assist with the purchase.

## Sierra Azul Open Space Preserve

*Hendrys Creek:* In 2015, the District purchased the 117.14 acre Hendrys Creek property as an addition to the Cathedral Oaks Area of the Sierra Azul Open Space Preserve to preserve open space and riparian habitats in the Los Gatos Creek Watershed and protect wildlife dispersal corridors. Recognizing the high watershed and habitat value, the Santa Clara

Valley Water District funded the full purchase price of \$1,500,000.00 from their Multi-Year Stream Maintenance Program fund in return for a conservation easement over the property.

Should the Board adopt the attached Resolution (Attachment 2) to dedicate (1) 434.53 additional fee title acres, (2) 34.03 acres of a Conservation Easement, and (3) 2.99 acres with CC&R restrictions over private property for a total of 471.55 acres proposed for dedication, as recommended in this report, 41,181.30 acres (67.5%) of lands with marketable interests would be dedicated and 19,829.71 acres (32.5%) would remain undedicated.

## **Recommendations for Later Dedication**

The majority of the District's undedicated land falls within two open space preserves: 2,815.79 acres at La Honda Creek Open Space Preserve (OSP) and 13,528.89 acres at Sierra Azul Open Space Preserve. Although the La Honda Creek OSP Master Plan was approved in 2012, new opportunities exist as a result of the recently purchased Driscoll Event Center and Apple Orchard properties to amend and improve the preserve's future trail network and parking areas. Completion of the Sierra Azul OSP Master Plan has been deferred to allow for more focus and progress on the implementation of the Mount Umunhum Public Access and Environmental Restoration Project and other District-wide priorities (e.g. Bear Creek Redwoods Preserve Plan, Bear Creek Stables Site Plan, etc.). The Mount Umunhum project and the future opening of other areas within Sierra Azul OSP could potentially affect dedication preferences for lands within this Preserve. Given that staff is still evaluating real property and management needs at both preserves, staff recommends deferring consideration of the remaining land dedications within La Honda and Sierra Azul OSPs at this time.

# FISCAL IMPACT

There are no costs associated with dedication.

# **BOARD COMMITTEE REVIEW**

No Board Committee review is required for this item.

# PUBLIC NOTICE

Public notice was provided pursuant to the Brown Act. Notice was also given to the California Coastal Conservancy, County of Santa Clara, Santa Clara Valley Water District, Ridge Vineyards, and Peninsula Open Space Trust. 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 Dedicating Interests in Certain District Lands for Public Open Space Purposes
- 2. Dedication Status Summary Report

## R-15-158

Responsible Department Head: Michael Williams, Real Property Manager

Prepared by: Elish Ryan, Real Property Planner III Lupe Hernandez, Real Property Administrative Assistant

Contact person: Michael Williams, Real Property Manager

Graphics prepared by: Elish Ryan, Real Property Planner III

#### **RESOLUTION NO. 15-\_\_\_**

#### 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 Approval Date	Closing Date	Property Interest	County	Parcel APN	Acreage			
Monte Bello	Lysons	10/08/14	01/23/15	Fee	Santa Clara	351-16-020	60.0			
Monte Bello	Rogers	02/12/14	02/28/14	Fee	Santa Clara	351-12-006	147.71			
Monte Bello	Rogers	02/12/14	02/28/14	Fee	San Mateo	080-312-010	0.23			
Monte Bello	Rogers	02/12/14	02/28/14	Fee	San Mateo	080-411-010	0.02			
Monte Bello	Ridge Vineyards	12/10/14	12/24/14	Fee	Santa Clara	351-38-009	2.65			
Monte Bello	Ridge Vineyards	12/10/14	12/24/14	Fee	Santa Clara	351-38-012 (portion)	9.28			
Monte Bello	Ridge Vineyards	12/10/14	12/24/14	conservation easement	Santa Clara	351-38-011				
Monte Bello	Ridge Vineyards	12/10/14	12/24/14	conservation easement	Santa Clara	351-39-004 (portion)	34.03			
Monte Bello	Ridge Vineyards	12/10/14	12/24/14	conservation easement	Santa Clara	351-38-012 (portion)	l			
Monte Bello	Ridge Vineyards	12/10/14	12/24/14	CC&R restriction	Santa Clara	351-39-004 (portion)	2.99			
Russian Ridge	POST (Silva)	05/11/11	06/28/11	Fee	San Mateo	080-380-030	97.50			
Sierra Azul	POST (Hendrys Crk.)	05/13/15	06/26/15	Fee	Santa Clara	558-27-007	38.08			
Sierra Azul	POST (Hendrys Crk.)	05/13/15	06/26/15	Fee	Santa Clara	558-27-008	1.0			
Sierra Azul	POST (Hendrys Crk.)	05/13/15	06/26/15	Fee	Santa Clara	558-51-005	78.06			
Total Acres of lands to be dedicated										

PASSED AND ADOPTED by the Board of Directors of the Midpeninsula Regional Open Space District on \_\_\_\_\_, 2015, 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.

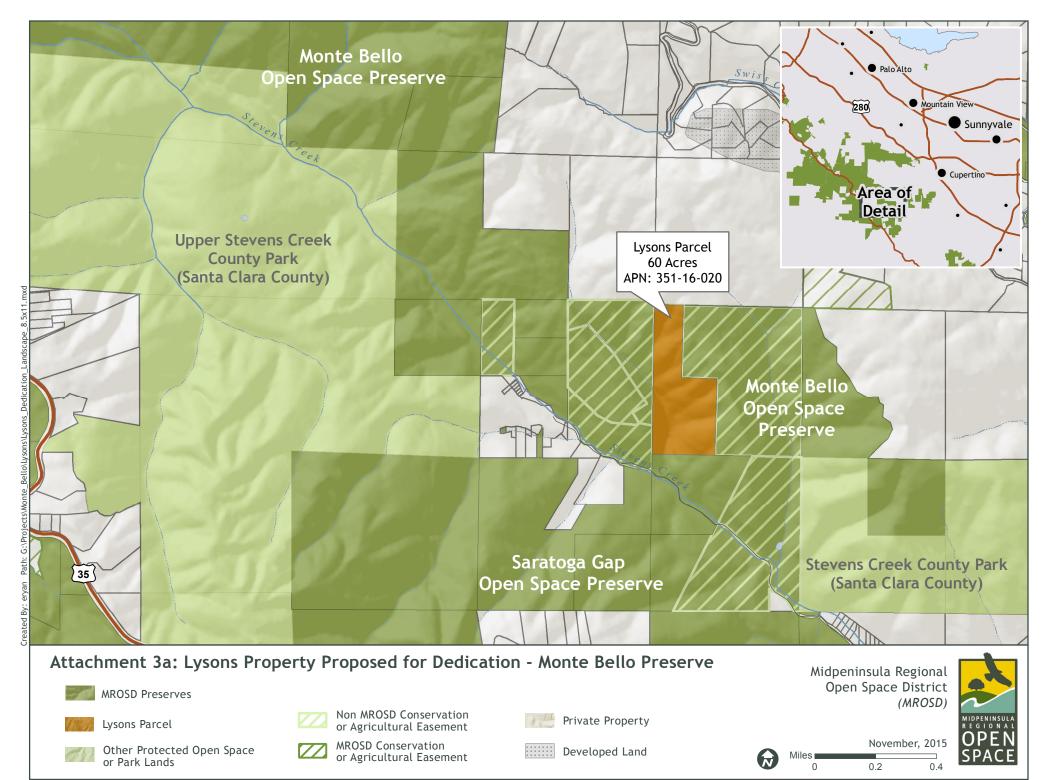
District Clerk

# **Dedication Status Summary Report**

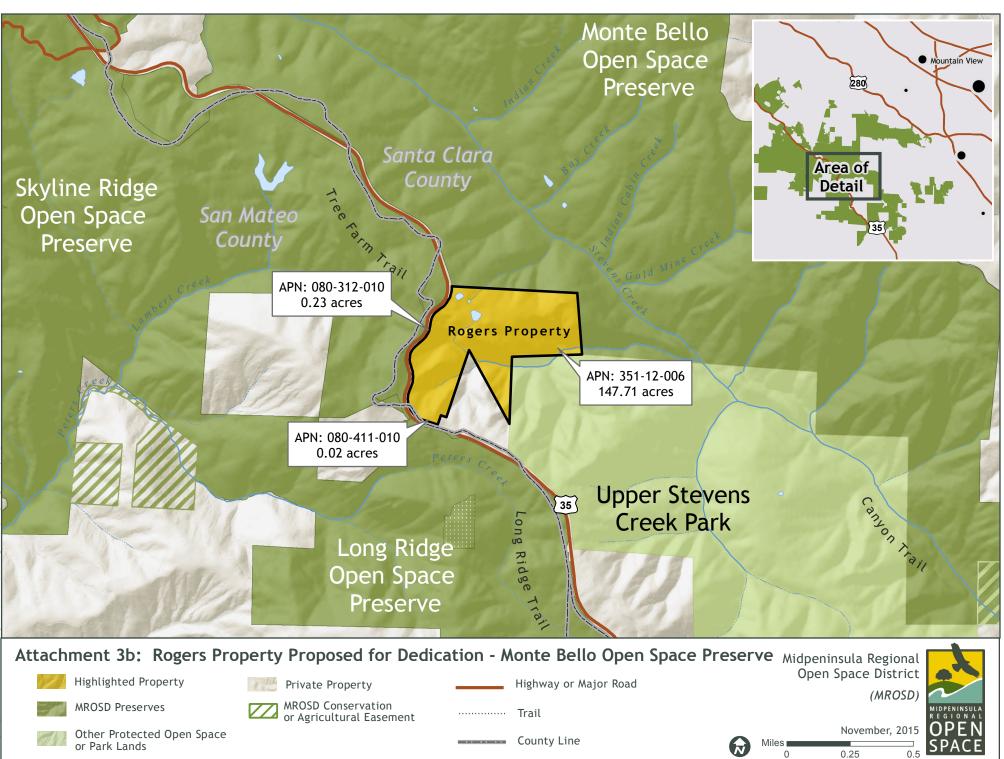
	Fee, Easements and Other			Fee Acreage			Easements on Private Land			Easements on Public Land			Manage- tion On	Contribu- tion Only	Other Interest
Preserve	Dedicated Acres	Undedicat- ed Acres	Total Acres	Dedicated	Undedicat- ed	Intended	Dedicated	Undedicat- ed	Intended	Dedicated	Undedicat- ed	Intended	ment		
Bear Creek Redwoods	1,355.15	82.05	1,437.20	1,355.15	80.12	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	2,902.27	4.10	2,906.37	2,902.27	3.80	0.00	0.00	0.30	0.00	0.00	0.00	0.00	0.00	0.00	0.00
El Sereno	1,392.95	25.76	1,418.71	1,392.83	20.63	0.00	0.12	4.44	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	3,295.09	2,815.79	6,110.88	3,294.92	2,815.41	2,397.35	0.17	0.00	0.00	0.00	0.38	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	724.00	1,715.63	991.63	724.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Monte Bello	3,168.81	367.94	3,536.75	3,168.81	208.55	159.89	0.00	62.13	58.93	0.00	0.00	0.00	85.37	0.00	11.89

	Fee , Easements and Other Fee Acreage					Easements on Private Land			Easeme	nts on Publ	lic Land	Lease and Manage-	Contribu- tion Only	Other Interest	
Preserve	Dedicated Acres	Undedicat- ed Acres	Total Acres	Dedicated	Undedicat- ed	Intended	Dedicated	Undedicat- ed	Intended	Dedicated	Undedicat- ed	Intended	ment		
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	3,742.23	1,009.85	4,752.08	3,742.23	1,009.75	84.15	0.00	0.00	0.00	0.00	0.00	0.00	0.00	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	574.69	3,490.52	2,915.83	215.69	97.89	0.00	353.00	0.00	0.00	0.00	0.00	0.00	0.00	6.00
Saratoga Gap	1,411.57	196.62	1,608.19	1,345.57	196.62	0.00	0.00	0.00	0.00	66.00	0.00	0.00	0.00	0.00	0.00
Sierra Azul	5,381.41	13,528.89	18,910.30	4,940.99	13,421.57	1,751.55	68.42	30.44	20.25	372.00	0.00	0.00	75.65	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 Shorelin	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	156.77	10.00	166.77	152.22	0.00	0.00	4.55	10.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Tunitas Creek	707.48	952.49	1,659.97	707.48	952.49	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Windy Hill	1,333.28	80.71	1,413.99	1,304.49	80.71	78.71	5.79	0.00	0.00	23.00	0.00	0.00	0.00	0.00	0.00
All Preserves	40,709.75	22,220.80	62,930.56	37,899.22	19,826.91	4,646.22	1,783.53	471.09	80.38	929.00	3.26	0.00	591.20	1,391.12	35.23

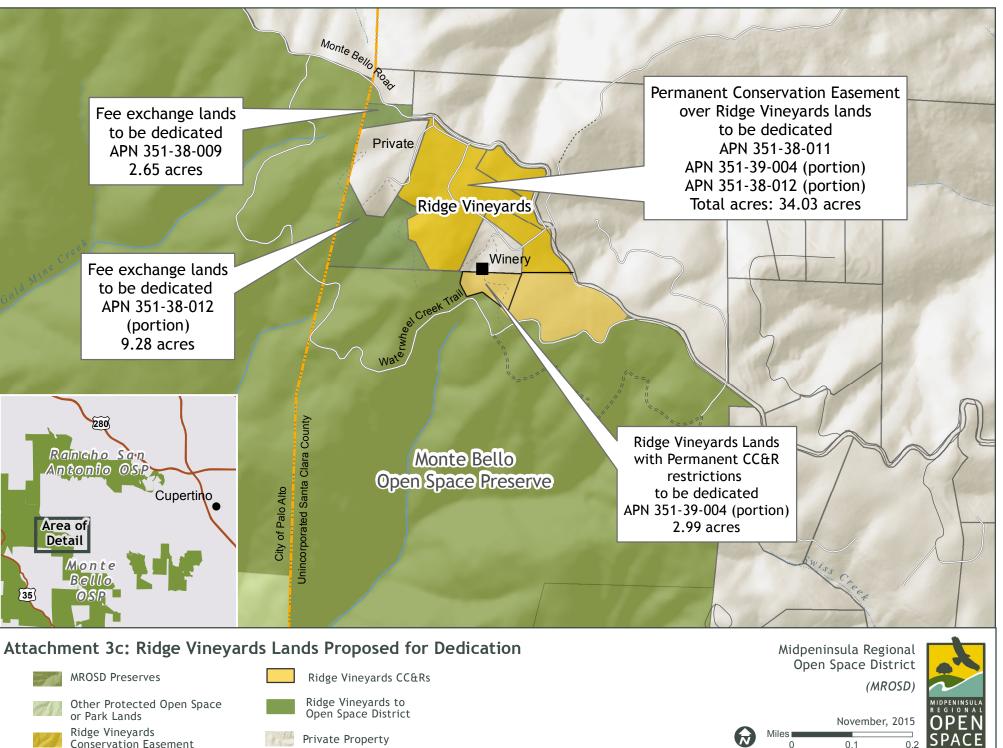
Note: Excludes acreage where "Interest Held By Other"



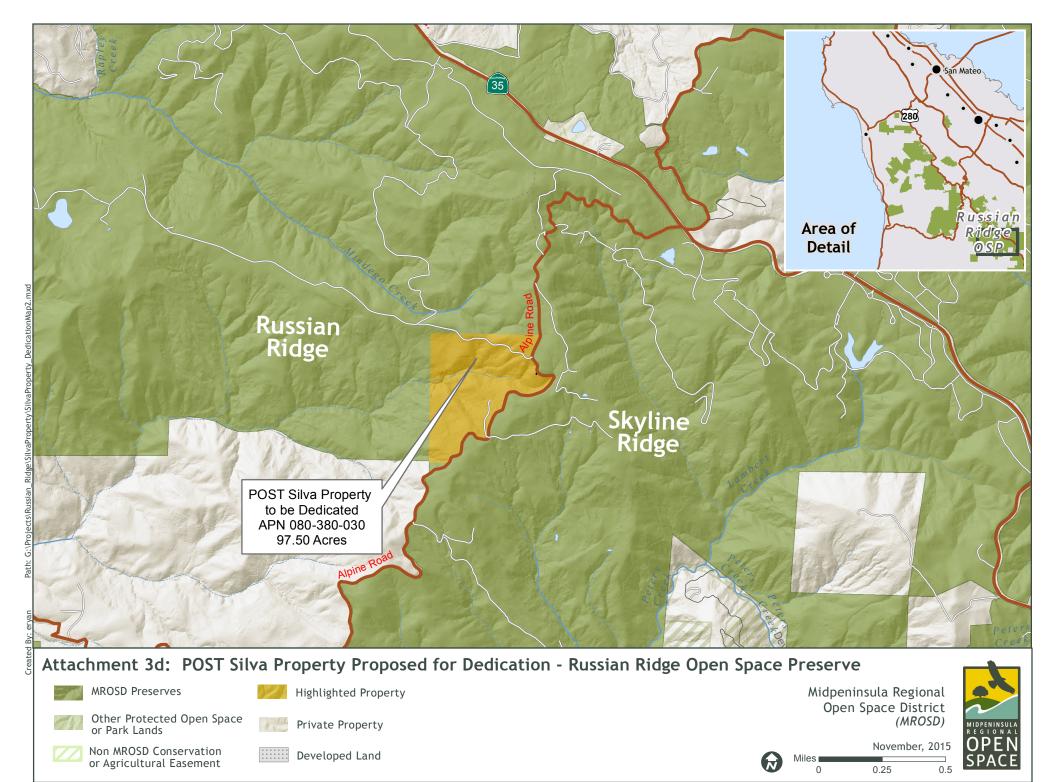
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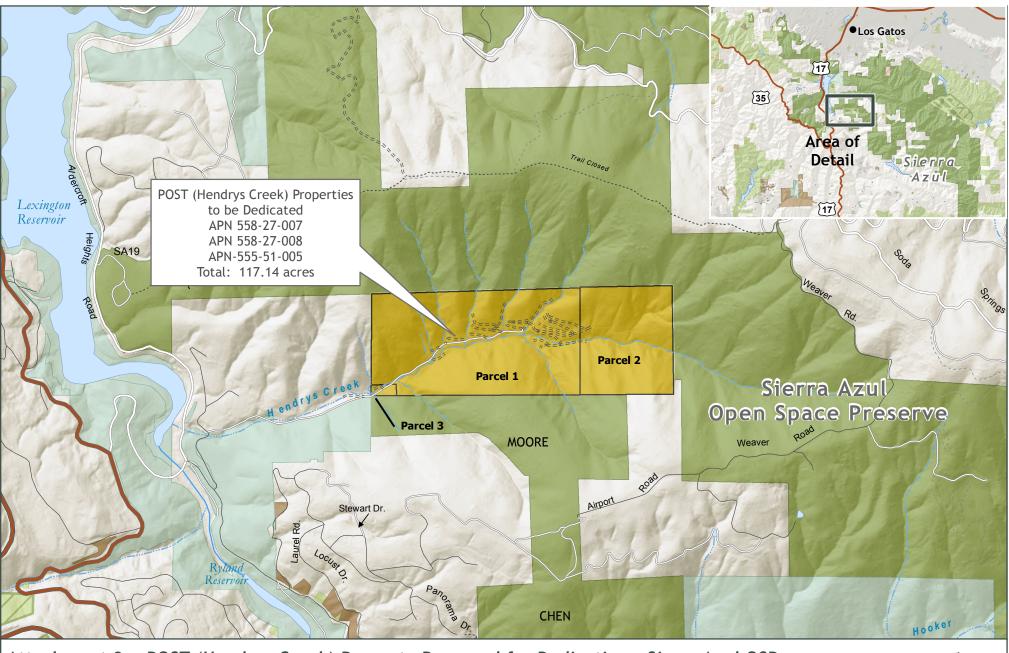
Rogers\_Property\_Dedication&".mxc



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Attachment 3e: POST (Hendrys Creek) Property Proposed for Dedication - Sierra Azul OSP Midpeninsula Regional POST (Hendrys Creek) Parcels **Open Space District** MROSD Conservation or Agricultural Easement Land Trust (MROSD) A MROSD Open Non MROSD Conservation or Agricultural Easement Space Preserves Watershed Land November, 2015 Miles Other Protected Open Space Other Public Agency Private Property 0.35 0.7 0 or Park Lands

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