



Midpeninsula Regional
Open Space District

R-16-19
Meeting 16-04
February 24, 2016

AGENDA ITEM 4

AGENDA ITEM

Special Legal Services Contract relating to Real Property Issues

GENERAL MANAGER'S RECOMMENDATION

Approve Amendment 1 to the contract with Price, Postel & Parma, LLP, for Special Legal Services relating to Real Property for a revised total not-to-exceed amount of \$150,000.

SUMMARY

On May 13, 2015, the Board authorized the General Manager and General Counsel to retain the law firm of Price, Postel, and Parma LLP for special legal services relating to real property and rights-of-way issues to provide and protect public access to District Preserves. The initial phase of that contract was completed with the initiation of condemnation proceedings in Santa Clara County Superior Court. In order to continue these proceedings through the next phase, the General Manager and General Counsel recommend increasing the amount of this contract by \$50,000 for a total not-to-exceed amount of \$150,000. The requested funding has been budgeted for in the Real Property Department mid-year budget for Fiscal Year 2015-16.

DISCUSSION

The District is in the process of resolving multiple, long-standing real property and right-of-way issues that need to be addressed to ensure that the District can provide and protect public access to District Preserves, specifically the summit of Mount Umunhum in Sierra Azul Open Space Preserve.

In May 2015, District General Counsel, in collaboration with Real Property and the General Manager's Office, engaged Todd Amspoker, Esq. and his team at Price, Postel and Parma, Inc, for this purpose. As of January 2016, special counsel has initiated condemnation proceedings in Santa Clara County Superior Court and an additional \$50,000 is needed in order to continue counsel's work in this process, and obtain possession of the necessary rights so that the District can construct road and summit improvements during the 2016 construction season.

FISCAL IMPACT

The mid-year FY2015-16 Real Property Budget includes \$50,000 for this purpose.

BOARD COMMITTEE REVIEW

This item was not previously reviewed by a Board Committee. The underlying matters have been discussed in closed session with the full Board.

PUBLIC NOTICE

This matter was noticed as required by the Brown Act. No further noticing is required.

CEQA COMPLIANCE

This item is not a project subject to the California Environmental Quality Act.

NEXT STEPS

If approved by the Board, the General Counsel and General Manager will amend the contract and continue coordinating with special counsel to pursue the two condemnation lawsuits currently underway. Any further recommended actions would be brought to the Board for its consideration.

Responsible Department Head:
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