



Midpeninsula Regional  
Open Space District

R-19-70  
Meeting 19-14  
May 22, 2019

## AGENDA ITEM 6

### AGENDA ITEM

Proposed transfer of the Purisima Upland Property, a portion of Assessor's Parcel Number 066-270-030, located on Verde Road in San Mateo County, to Midpeninsula Regional Open Space District as an addition to Purisima Creek Redwoods Open Space Preserve

### GENERAL MANAGER'S RECOMMENDATIONS *den*

1. Determine that the recommended actions are categorically exempt under the California Environmental Quality Act, as set out in the staff report.
2. Adopt a Resolution authorizing the transfer of the Purisima Upland property.
3. Adopt a Preliminary Use and Management Plan for the property, as set out in the staff report.
4. Withhold dedication of the property as public open space.

### SUMMARY

The General Manager recommends that the Midpeninsula Regional Open Space District (District) accept the transfer of the 240-acre Purisima Upland Property (Upland Property) from John and Maureen Giusti (the Giustis) as an addition to the Purisima Creek Redwoods Open Space Preserve (Preserve). Transfer of the Upland Property supports the District's mission and Measure AA Portfolio #3 *Purisima Creek Redwoods: Purisima-to-Sea Trail, Watershed Protection and Conservation Grazing*. Acceptance of the transfer completes an assemblage of public lands between the Bay Area Ridge Trail and the California Coastal Trail, and enables the future completion of the Purisima-to-Sea Trail. This report contains a description of the Upland Property transfer, a Preliminary Use and Management Plan, findings of the environmental review, transfer terms and conditions, and financial considerations related to acceptance of this transfer.

### DISCUSSION

Since 2006, the District has worked to create a public lands connection from the segment of the Bay Area Ridge Trail located within the Preserve to the San Mateo County coast, known as the Purisima-to-the-Sea Trail project. To date, the District has purchased three properties totaling 783 acres from Peninsula Open Space Trust (POST) and one property totaling 470 acres from the University of California to achieve this connection.

The proposed transfer of the Upland Property to the District completes the assembly of properties needed to create a corridor of protected open space as envisioned in Measure AA Portfolio #3 *Purisima Creek Redwoods: Purisima-to-Sea Trail, Watershed Protection and Conservation*

*Grazing.* Transfer of the Upland Property protects coastal grasslands and wildlife habitat along Lobitos Ridge, and enables future implementation of the Purisima-to-the-Sea Trail.

### **Property Transfer Background**

In 1998, POST acquired 553 acres known as Purisima Farms to protect coastal agricultural lands. The California Coastal Conservancy provided grant funding for the purchase. In 2002, POST recorded two conservation easements over Purisima Farms to protect the natural, scenic, agricultural, open space and recreational values of the property. In 2005, POST sold Purisima Farms to the Giustis. At that time, POST amended the conservation easements on Purisima Farms to identify agricultural uses, an agricultural center, residential site, coastal and riparian protection zones, and trail easements. They also included the condition that upon San Mateo County's approval of a lot line adjustment, the Upland portion of Purisima Farms would be transferred to a public open space or park agency at no purchase cost.

Since 2014, the District has worked with the Giustis on the terms of the transfer. San Mateo County prepared a lot-line adjustment in July 2018 to separate the 240-acre Upland Property from Purisima Farms. When transferred to the District, the Upland Property would remain subject to the conservation easements held by POST. POST has designated the District as the operating entity for the trail easement area on the Upland Property. The Terms and Conditions section of this Report outlines the Transfer Agreement between the District and the Giustis.

### **Property Description (see Attachment 2 - Location Map)**

The Upland Property is located on Verde Road, approximately 2 miles south of the city limits of the City of Half Moon Bay, in unincorporated San Mateo County. The Upland Property is adjacent to the District's existing 4,798-acre Preserve. The terrain consists of rolling hills, rising 600 feet in elevation along Lobitos Ridge. Views from the property include the San Mateo County coast, Bald Knob, and Montara Mountain.

The lower elevations are wooded with a mix of native and non-native trees. The remainder is vegetated with coastal brush and grasslands. The Upland Property contains wildlife habitat for mountain lions, coyotes, bobcats and dusky-footed woodrats. Bird species frequenting the Upland Property include loggerhead shrikes, red-tailed, Cooper's, and sharp-shinned hawks.

### **Water Rights and Resources**

Purisima Farms is within the boundaries of the adjudicated Purisima Creek Watershed. No water rights will be transferred to the District with the Upland Property. All water rights will remain with Purisima Farms. Small springs and seasonal seeps occur onsite, and a short creek runs westward from the northeast corner into Purisima Creek. The Upland Property contains no water infrastructure.

### **Land Use, Improvements, and Site Investigations**

The Upland Property is mostly undeveloped. Previous agricultural uses include grazing, flax production, and hay. Up to the 1960's, three oil wells were in production onsite. Ranch roads associated with previous uses crisscross the property. The eastern and southern perimeter is fenced. An unpermitted hunting cabin is located at the northwestern end of the Upland Property.

In 1999, a Purisima Farms Phase I Environmental Assessment prepared for POST identified the presence of the old oil facilities. In May 2008, the State of California Department of Oil, Gas, and Geothermal Resources (DOGGR) issued a permit to cap the oil wells on the Upland Property.

Per DOGGR records, two of the wells were capped. One well remains uncapped. Abandoned infrastructure and debris related to the oil production facilities also remains. In 2017, the District contracted with a consultant to complete a Phase II Environmental Site Assessment of the Upland Property. Their report identified the full extent of the abandoned oil facilities and estimated costs of up to \$315,000 for capping the remaining well, removal of infrastructure and debris, site restoration, and final closure signoff from the appropriate regulatory agency/agencies.

The unpermitted hunting cabin was built in the 1970's and is without electricity, potable water or septic. It is also inaccessible during the rainy season. In 2017, a hazardous materials assessment established the presence of lead-containing materials in the cabin. Removal of the cabin is recommended. Cost for lead abatement prior to removal is estimated at \$10,000. Cost for removal of the cabin and site restoration is estimated at \$50,000.

In 2017, the District contracted with Timothy C. Best for an assessment of the Upland Property's existing roads. Based on the findings of the road assessment, District staff identified a possible trail route on the Upland Property that avoids erodible soils and maintains a minimum 300 foot buffer from adjacent agricultural operations. Additional work to confirm the trail route will be part of the future public access planning for the Purisima-to-the Sea Trail.

### **Surrounding Grazing and Agricultural Uses**

District lands along the eastern boundary of the Upland Property are leased to a local rancher for conservation grazing. The private property to the south is also used for cattle grazing and contains a single-family residence. The Giustis will continue to own the remaining portion of Purisima Farms, located north and west of the Upland Property. There they produce Brussels sprouts, artichokes, beans, pumpkins, peas, and hay. The Purisima Farms property also includes a single-family residence, farm labor housing, and various outbuildings.

### **Limited Use of Farm Roads on Purisima Farms Property to Access the Upland Property**

The proposed Upland Property transfer includes an appurtenant patrol and maintenance access easement granted to the District on the Purisima Farms property retained by the Giustis. This access easement is identified as Farm Road A on Attachment 3. Farm Road A provides direct connection from Verde Road to two dirt roads within the Upland Property. Because of the ongoing farm use, the Farm Road A easement does not allow for general public access. Farm Road A connects to a longer farm road, identified as Farm Road B on Attachment 3, which runs along the southerly edge of three agricultural fields on Purisima Farms. In addition to limited use of Farm Road A, the District will have limited use of Farm Road B for patrol and emergency access to the Upland Property. (See the Terms and Condition section of this Report).

## **COASTSIDE PROTECTION PROGRAM PROCESS**

The Upland Property is located within the boundaries -of the District's Service Plan for the San Mateo County Coastal Annexation Area (Service Plan), adopted June 2003. The Service Plan and conditions approved by the San Mateo Local Agency Formation Commission (LAFCo) established a number of policies and procedures for conducting the Coastsides Protection Program (Program). The Program guides the District's purchase of open space lands and their use and management within the Coastsides Protection Area. The District's coastsides land purchases are also subject to a Memorandum of Understanding between the San Mateo County Farm Bureau and the District.

In accordance with this Memorandum, District staff provided a tour of the Upland Property for the Farm Bureau Executive Committee on August 29, 2017. Information on the proposed transfer was presented at a regularly scheduled Farm Bureau meeting on November 5, 2018. Meeting attendees expressed concerns about the use of Farm Road B access on agricultural operations in Purisima Farms, and asked if the hunting cabin could be converted to farm labor housing. Staff explained that Farm Road B can only be used on a permissive or emergency basis and District use cannot conflict with farm operations. Because the cabin only has seasonal access and no utilities, it is not feasible or habitable for farm labor housing. Farm labor housing is located nearby in the agricultural center on the Purisima Farms property to the west side of Verde Road.

## **USE AND MANAGEMENT**

### **Planning Considerations**

The Upland Property is located in unincorporated San Mateo. It has a County General Plan designation of Agricultural Rural, and a County zoning designation of Planned Agriculture and Coastal Development (PAD/CD). In 2009, the San Mateo County Planning Commission found that the transfer of the Upland Property to the District complied with the County's General Plan. Per the County's Zoning Regulations, recreation, open space, and natural preserves are allowable uses in PAD/CD zoning. If transferred, the Upland Property will be incorporated into the Preserve. Subsequent planning for the Purisima-to-the-Sea Trail would be coordinated with planning efforts for the Preserve, and include consultation with the owner of the adjacent Purisima Farms property and the surrounding community.

### **Williamson Act**

The Upland Property is not subject to a Williamson Act contract.

### **Rangeland Management Considerations**

The Upland Property contains about 80 acres of ungrazed grassland along its southern and eastern boundaries. Ranch roads on the adjacent Preserve connect to the Upland Property. However, the Upland Property lacks reliable water and perimeter fences are lacking or in poor condition. If the Board authorizes the transfer of the Upland Property, staff would evaluate options to incorporate the Upland Property grasslands into the grazing lease on the adjacent Preserve. Under the General Manager's Authority, the District may consider amending the Lobitos/Elkus grazing lease to include portions of the Upland Property. Grazing would be consistent with the *Purisima Properties Grazing Management Plan* (Sage Associates, June 2009).

### **Partnership Recognition**

POST and the California Coastal Conservancy will be recognized for their roles and financial support for the assemblage of lands needed to implement Measure AA Portfolio #3 Purisima-to-the-Sea. The final format of recognition will comply with Board Policy 5.01 – *Site Naming, Gift, and Special Recognition*.

### **Preliminary Use and Management Plan**

The Preliminary Use and Management Plan (PUMP) for the Upland Property establishes a status quo land management approach in the interim between the purchase and the completion of a subsequent long-term plan. The PUMP would take effect at the close of escrow and remain effective until the PUMP is amended or a Comprehensive Use and Management Plan or Preserve Plan is approved for the Preserve. The PUMP includes securing the site, posting signs, and conducting resource management activities as described more fully below.

Name:	Name the Upland Property as an addition to Purisima Creek Redwoods Open Space Preserve.
Dedication:	Indicate the District's intention to withhold dedication of the subject property as open space at this time.
Coastal Service Plan:	Operate and manage the property in conformity with the provisions of the Coastal Service Plan and the mitigation measures adopted pursuant to the Coastal Service Plan Environmental Impact Report.
Conservation and Trail Easement Compliance:	<p>POST has designated the District as the operating entity for the trail easement on the Upland Property. Comply with the conservation easements held by POST on the Upland Property, including required consultation with the owner of the adjacent Purisima Farms property.</p> <p>Work with POST to complete minor amendments to the conservation easements to memorialize minor revisions to the total acreage transferred to the District and legal description of the Upland Property.</p>
Public Access:	Designate the Upland Property as closed to public use at this time.
Record of Survey:	After the close of escrow, prepare and record a Record of Survey setting monuments along the common boundary of the Purisima Farms and the Upland Property.
Signs, Fences, Gates, and Site Security:	<p>Install preserve boundary and closed area signs as needed.</p> <p>Install and maintain perimeter, and interior fencing and gates as necessary.</p> <p>Install a District lock on Farm Road A access gate on Verde Road.</p> <p>Work with the adjacent Purisima Farms property owner to maintain site security and emergency access thru access point on Farm Road A.</p> <p>District and the owner of the adjacent Purisima Farms property to share in the cost of maintaining the access gate for Farm Road A on Verde Road.</p> <p>The owners of the adjacent Purisima Farms property reserve the right to install a gate and lock (at their own expense) at the intersection of Farm Road A and Farm Road B. If installed, access through the gate shall not be unduly restricted when requested. (See additional information on use of Farm Road A and B in Roads and Trails section of the PUMP.)</p>

Roads and  
Trails  
Inspection,  
Maintenance,  
and Repair:

Farm Road A:

Farm Road A is an appurtenant patrol and maintenance access easement on the adjacent Purisima Farms property. The District will share in the maintenance of this road proportionate to its use and contribute 50% for rockering of Farm Road A as needed.

Farm Road B:

Farm Road B is a limited access easement on the adjacent Purisima Farms property. The District is not responsible for maintenance of Farm Road B.

In the event the section of Farm Road B closest to Purisima Creek fails due to an act of nature, the District will work with the owner of the adjacent Purisima Farms to realign or relocate a section of Farm Road B to maintain access to Purisima Farms' agricultural fields adjacent to the Upland Property.

Internal Upland Property Roads:

Upon assessment of District access and patrol needs, implement minor road restoration on internal roads as recommended in the *Purisima Uplands and Giusti Farm Road Erosion Assessment Report*, prepared by Timothy C. Best, and in compliance with the District's Resource Management Policies, adopted 2012, and all applicable programmatic and/or project specific regulatory permits required.

Perform periodic repairs of internal roads in use as needed, in compliance with the District's Resource Management Policies, adopted 2012, and all applicable programmatic and/or project specific regulatory permits required.

Site Access,  
Patrol, and Site  
Safety  
Inspection:

Routinely patrol Upland Property using Farm Road A access easement or other Preserve routes.

The District may use Segment B of the Farm Road for emergency access when necessary, and for routine patrol with the following limitations:

- The owner of the adjacent Purisima Farms shall be notified a minimum of 24 hours prior to a scheduled patrol and grant approval for use (not to be unreasonably withheld).
- District vehicles are prohibited when wet soil conditions are present. At those times, District use by ATV or by foot is allowed.
- Maximum days of use per year for patrol to be limited to 10 days.
- Use shall not coincide with active spraying by agricultural operator.
- The District's use of Farm Road B may not interfere with agricultural operations on the adjacent property.

Perform periodic inspection of roads, signs, gates, and fences, as needed.

Structures and Improvements: Work with the owner of the adjacent Purisima Farms to determine the appropriate time that will not interfere with critical farm operations to begin oil facilities and hunting cabin site cleanup and restoration.

Hunting Cabin:

1. Prior to a hazardous materials abatement, conduct a bat survey of the structure and implement Natural Resources recommendations if bats are found.
2. Perform hazardous materials abatement as identified in the report prepared June 30, 2017 by Hazard Management Service, Inc.
3. Demolish and remove hunting cabin, and complete site restoration upon completion of the hazardous materials abatement.

Oil Facilities:

1. Complete photo documentation and geospatial (gps) location of all structures associated with the former oil production facilities for potential future interpretive value.
2. Before start of site cleanup, coordinate oil facilities access road repairs recommended in Timothy C. Best's *Purisima Uplands and Giusti Farm Road Erosion Assessment Report*, with GEOCON's Phase II Report recommendations to rock the road needed to access to the oil facilities. Demolish and remove all onsite structures, equipment, and materials related to prior oil well production, and perform site cleanup and restoration as identified in *Phase II Environmental Site Assessment Report for Abandoned Oil Production Facilities on Purisima Uplands, March 12, 2018*, prepared by GEOCON Consultants, Inc.

Water Resources: Protect springs, seeps, and seasonal drainages on the property as needed.

Resource Management: Conduct plant and animal management activities consistent with the District's adopted Resource Management Policies and Integrated Pest Management Policies as needed.

Rangeland Management: Evaluate strategies to consider incorporating upper grasslands into the grazing lease on the surrounding Preserve, consistent with the *Purisima Properties Grazing Management Plan* (Sage Associates, June 2009).

Wildfire Fuel Management: Implement standard District-wide fuel management and defensible space practices consistent with the District's adopted Resource Management Policies as needed.

Subsequent Planning Considerations: Subsequent public access planning for the Upland Property will be in accordance with the District's Coastal Service Plan and Environmental Impact Report, including consultation with appropriate agencies and organizations. The planning process will include consultation with the Farm Bureau and the Purisima Farms owner, public workshops to gather input, and public hearings to review draft and final plans. When preferred long-term uses are identified, the District will complete the necessary

environmental assessment under the California Environmental Quality Act (CEQA) at that time.

Subsequent planning considerations shall include partner recognition and interpretive signs that recognize POST and the Coastal Conservancy for their involvement in preserving working lands and open space in compliance with the District's Site Naming, Gift, and Special Recognition Policy. Consult with owner of the adjacent Purisima Farms for placement of recognition and interpretive signs.

## **CEQA COMPLIANCE**

### **Project Description**

The project consists of the transfer of the 240-acre Upland Property as an addition to the District's Purisima Creek Redwoods Open Space Preserve and concurrent adoption of a Preliminary Use and Management Plan (PUMP). The PUMP includes establishment and maintenance of the District boundary identification signs and gates, minor repair or restoration of existing farm roads and fences, removal of abandoned oil facilities and a hunting cabin, and erosion and sediment control measures in accordance with District and Service Plan standards along the existing access route to prevent erosion and water quality degradation. Road maintenance will be done in compliance with all applicable programmatic and/or project specific regulatory permits required. Resource management activities to control invasive plants in compliance with the District's previously adopted Resource Management and Integrated Pest Management Policies may be conducted. The surrounding land will be preserved as open space and maintained in a natural condition.

The Upland Property is within the boundaries of the District's Service Plan for the San Mateo County Coastal Annexation Area. The Service Plan and Final Environmental Impact Report (FEIR) incorporated policies, guidelines, and mitigations to ensure compatibility with the County General Plan and Local Coastal Plan. Actions proposed to purchase the property and implement the PUMP comply with the Service Plan and FEIR. On January 28, 2009, the San Mateo County Planning Commission confirmed that the acquisition of this property for open space complies with the County's General Plan.

### **CEQA Determination**

The District concludes that this project would not have a significant effect on the environment. It is categorically exempt from the California Environmental Quality Act (CEQA) under Article 19, Sections 15301, 15404, 15316, 15325, and 15330 of the CEQA Guidelines as follows:

Section 15301 Existing Facilities - exempts actions related to the operation, repair, maintenance, or minor alteration of existing public or private structures, facilities, mechanical equipment. Repairs and/or restoration of existing interior farm roads, driveway, and fences, installation of signs and gates, and erosion control measures and other minor activities resulting from implementation of the PUMP are included in this exemption.

Section 15304(f) Minor Alterations to Land – exempts minor trenching and backfilling where the surface will be restored. Minor trenching and backfilling related to activities identified in the PUMP and done in compliance with all applicable programmatic and/or project specific



regulatory permits required, where the surface is restored to a natural condition, are included in this exemption.

Section 15316 Transfer of Ownership of Lands in Order to Create Park - exempts the acquisition of land in order to create parks if the land is in a natural condition and the management plan proposes to keep the area in a natural condition. The PUMP specifies that the property would not be further developed at this time and all land would remain in a natural condition.

Section 15325(f) Acquisition, Sale, or Transfer to Preserve Open Space - exempts transfers of ownership of interests in land in order to preserve open space. This acquisition would transfer fee ownership of the property to the District and ensure that the open space would be preserved. The PUMP ensures that the property would be preserved as open space by incorporating it into the Purisima Creek Redwoods Open Space Preserve.

Section 15330 Minor Actions to Eliminate the Release or Threat of Release of Hazardous Substances - exempts actions related to elimination of hazardous waste or substances that are medium removal actions costing \$1 million or less. Costs to remove remaining contaminated structures, piping, materials and contaminated soils related to the abandoned oil facilities and the hunting cabin, and restoration of those sites upon completion of cleanup are estimated at \$375,000 to \$417,000.

## **TERMS AND CONDITIONS**

The proposed 240-acre Upland Property will transfer to the District at no purchase cost in accordance with conditions of the conservation easements held by POST and the memorandum of purchase agreement between POST and the Giusti family. The property transfer will be on an “as-is” basis. As part of the transfer agreement, the District will assume responsibility for the cleanup, removal/capping and site restoration of abandoned oil well facilities and hunting cabin located along the northerly boundary of the Upland property. Total site cleanup and restoration costs are estimated at \$417,000 (see Land Use and Improvements section).

**Lot Line Adjustment:** The proposed transfer is subject to a lot line adjustment of the 390-acre portion of the Giusti Purisima Farms property east of Highway 1, which will create a 240-acre Upland Property east of Verde Road. The Giusti farm fields east of Verde Road will merge with the Giusti property west of Verde Road creating a 150-acre Farm Property. The parcel boundary for the farm field was modified 1.2 acres along Farm Road B to increase Giusti’s ownership and ability to maintain the road and realign the road at the pinch point at Purisima Creek if needed in the future (see Attachment 3). This change requires a minor amendment to the conservation easements between the Giustis and POST and the Coastal Conservancy as funding partner.

**Access to the Property:** As part of this transaction, the property owner will grant the District a patrol and maintenance easement across the existing farm road from Verde Road to access the Upland property (identified as Farm Road A on Attachment 3). This access easement will be for patrol, maintenance and emergency access purposes, and will prohibit public access use. The District will share in the maintenance of this road proportionate to its use and contribute 50% for rockering of Farm Road A.

The Transfer Agreement provides the District with more limited use of Farm Road B, which begins at the junction of Farm Road A along the southerly edge of the agricultural fields to the

eastern boundary of the retained Giusti property. For use of Ranch Road B, the District will need to schedule use in advance with the property owner, use of this road will be limited to ten (10) times per year, and District use may not interfere with farm operations. The District is not responsible for maintenance of Farm Road B. In the event the section of Farm Road B closest to Purisima Creek fails due to an act of nature, the District will work with the owner of the adjacent Purisima Farms to realign or relocate a section of Farm Road B to maintain access to Purisima Farms’ agricultural fields adjacent to the Upland Property.

**Right of Entry:** The District and property owner will enter into a right of entry agreement for the District’s removal and site cleanup of the oil facilities and hunting cabin on the Upland Property. The District and its contractor will consult with the property owner on scheduling this work so as not to interfere with farm operations and activities and assure that Farm Roads A and B are maintained and repaired during and at the completion of the site cleanup work.

**Consultation on Future Public Use and Site Work:** Because of the close proximity of the Giusti residence and farm center on Purisima Farms, the District will consult with the property owner on future public trail and parking plans prior to and during the future public planning process. The District will consult on the installation of gates and fencing installed associated with future public access improvements.

Staff has conducted thorough due diligence and site inspections of the Upland Property, including Phase II study and cost assessment of oil facilities, Phase I of lead and asbestos assessment for hunting cabin, road erosion assessment and staff trail scouting as discussed in more detail in the Land Use, Improvements and Site Investigations section.

After the close of escrow, the District will have its contract surveyor set monuments, prepare and record a Record of Survey memorializing the boundary between the Upland Property and the Giustis retained farm fields.

**FISCAL IMPACT**

The Fiscal Year (FY) 2018-19 budget includes \$30,000 for the Lot Line Adjustment and Property Transfer – Purisima Upland (MAA03-001). Costs associated with the Upland Property transfer including title, escrow, and miscellaneous costs are estimated at \$15,000. There are sufficient funds in the project budget to cover the recommended action and expenditures.

	<b>FY2018-19</b>
Project # MAA03-001 Budget	\$30,000
<i>Spent-to-Date (as of 04/30/2019):</i>	(\$7,950)
<i>Encumbrances:</i>	(\$4,350)
<i>Purisima Upland Property Transfer:</i>	(\$15,000)
Budget Remaining (Proposed):	\$2,700

The following table outlines the Measure AA Portfolio-#3 budget, costs to date, and the fiscal impact related to the Purisima Upland Property transfer:

<b>MAA03 Purisima Creek Redwoods: Purisima-to-the-Sea, Watershed Protection and Conservation Grazing Portfolio Allocation:</b>	<b>\$7,608,000</b>
<i>Life-to-Date Spent(as of 04/30/2019):</i>	(\$1,014,043)
<i>Encumbrances:</i>	(\$62,343)
<i>Purisima Upland Property Transfer:</i>	(\$15,000)
<b>Balance Remaining (Proposed):</b>	<b>\$6,516,614</b>

Removal, site cleanup and site restoration for the oil facilities and hunting cabin will use Measure AA Portfolio #3 funds. Funds for this work will be identified in the Engineering and Construction Department budget for FY2019-20. Improvements to the two access roads on the Upland property will be included in the Land & Facilities Department budget for FY2019-20.

### **BOARD COMMITTEE REVIEW**

The District's Real Property Committee held a meeting at the UC Elkus Education Center on November 13, 2018 to familiarize themselves with the property and receive public input on the proposed purchase. The District distributed a notice of the meeting on November 7, 2018 to property owners of land located adjacent to or surrounding the property and to interested parties. Two members of the Committee attended. Fourteen members of the public attended, including neighbors who reside on Purisima Creek and Verde Roads. Staff provided a description of the property, measures to protect adjacent agricultural lands, how the property would be managed as an extension of the adjacent Preserve, proposed preliminary use and management, and terms of the transfer. Members of the public provided comment and concerns related to the perceived impact of future trail development but generally offered support for the transfer. The Real Property Committee approved a recommendation of this property transfer to the full Board of Directors in a vote of 2-0, with one committee member absent.

### **Current Coastside Protection Area Fiscal Considerations**

The 240-acre Upland Property is not located within the service area of San Mateo County Fire or the La Honda-Pescadero Unified School District. Therefore, the District is not required to pay any County Fire or La Honda-Pescadero School fees.

### **PUBLIC NOTICE**

Property owners of land located adjacent to or surrounding the subject property, including Purisima Creek and Verde Road, the Coastside Protection Area and Purisima Creek Redwoods Open Space Preserve mailing list, and attendees of the November 13, 2018 Real Property Committee meeting have been mailed a copy of the agenda. Accordingly, all notice required by the Brown Act and the Coastal Protection Program has been provided.

### **NEXT STEPS**

Upon approval by the Board of Directors, staff would prepare to close escrow by the end of June 2019, and take the next steps identified in the PUMP as contained in this report.

Attachments:

1. Resolution Authorizing Acceptance of Transfer Agreement, Authorizing General Manager or Other Officer to Execute Certificate of Acceptance of Grants to District,

and Authorizing General Manager to Execute any and all Other Documents Necessary or Appropriate to Closing of the Transaction (Purisima Creek Redwoods Open Space Preserve - Lands of Giusti (Purisima Upland )

2. Purisima Upland Property Location Map
3. Purisima Upland Farm Roads A and B Location Map

Responsible Department Manager:  
Michael Williams, Real Property Manager

Prepared by:  
Michael Williams, Real Property Manager  
Elish Ryan, Real Property Planner III

Contact person:  
Michael Williams, Real Property Manager

Graphics prepared by:  
Nathan Greig, GIS Technician

**RESOLUTION NO. 19-\_\_**

**RESOLUTION OF THE BOARD OF DIRECTORS OF THE MIDPENINSULA REGIONAL OPEN SPACE DISTRICT APPROVING THE TRANSFER AGREEMENT, AUTHORIZING GENERAL MANAGER OR OTHER OFFICER TO EXECUTE CERTIFICATES OF ACCEPTANCE OF GRANT DEED AND PATROL AND MAINTENANCE EASEMENT BY THE DISTRICT, AND AUTHORIZING THE GENERAL MANAGER TO EXECUTE ANY AND ALL OTHER DOCUMENTS NECESSARY OR APPROPRIATE TO THE CLOSING OF THE TRANSACTION (PURISIMA CREEK REDWOODS OPEN SPACE PRESERVE – LANDS OF GIUSTI)**

The Board of Directors of 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 Transfer Agreement (“Agreement”) with John A. Giusti and Maureen C. Giusti, Trustees, the Giusti Family Trust dated May 8, 2013 (“Grantor”) and the Midpeninsula Regional Open Space District (“District”) to transfer the property and Patrol and Maintenance Easement, as attached hereto and by reference made a part hereof, and authorizes the President of the Board of Directors or other appropriate officer to execute the Agreement on behalf of the District to acquire the real property described therein (“Upland Parcel”).

**SECTION TWO.** The General Manager, President of the Board of Directors or other appropriate officer is authorized to execute the Patrol and Maintenance Easement, and Certificates of Acceptance for the Grant Deed and Patrol and Maintenance Easement on behalf of the District.

**SECTION THREE.** The General Manager or the General Manager’s designee is authorized to expend up to \$15,000.00 to cover the cost of title insurance, escrow fees, survey and other miscellaneous costs related to this transaction.

**SECTION FOUR.** The General Manager or the General Manager’s designee shall cause to be given appropriate notice of acceptance to Seller. The General Manager of 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 FIVE.** The General Manager and General Counsel are further authorized to approve any technical revisions to the attached Agreement, Patrol and Maintenance Easement, and other documents in escrow which do not involve any material change to any term of the Agreement, which are necessary or appropriate to the closing or implementation of this transaction.

\* \* \* \* \*

PASSED AND ADOPTED by the Board of Directors of the Midpeninsula Regional Open Space District on \_\_\_\_\_, 2019, at a Regular Meeting thereof, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

ATTEST:

APPROVED:

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Secretary  
Board of Directors

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President  
Board of Directors

APPROVED AS TO FORM:

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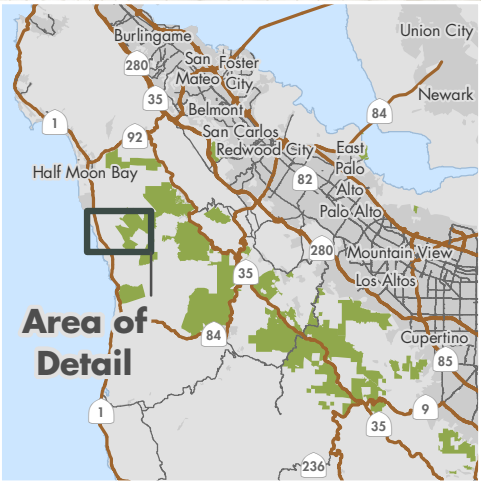
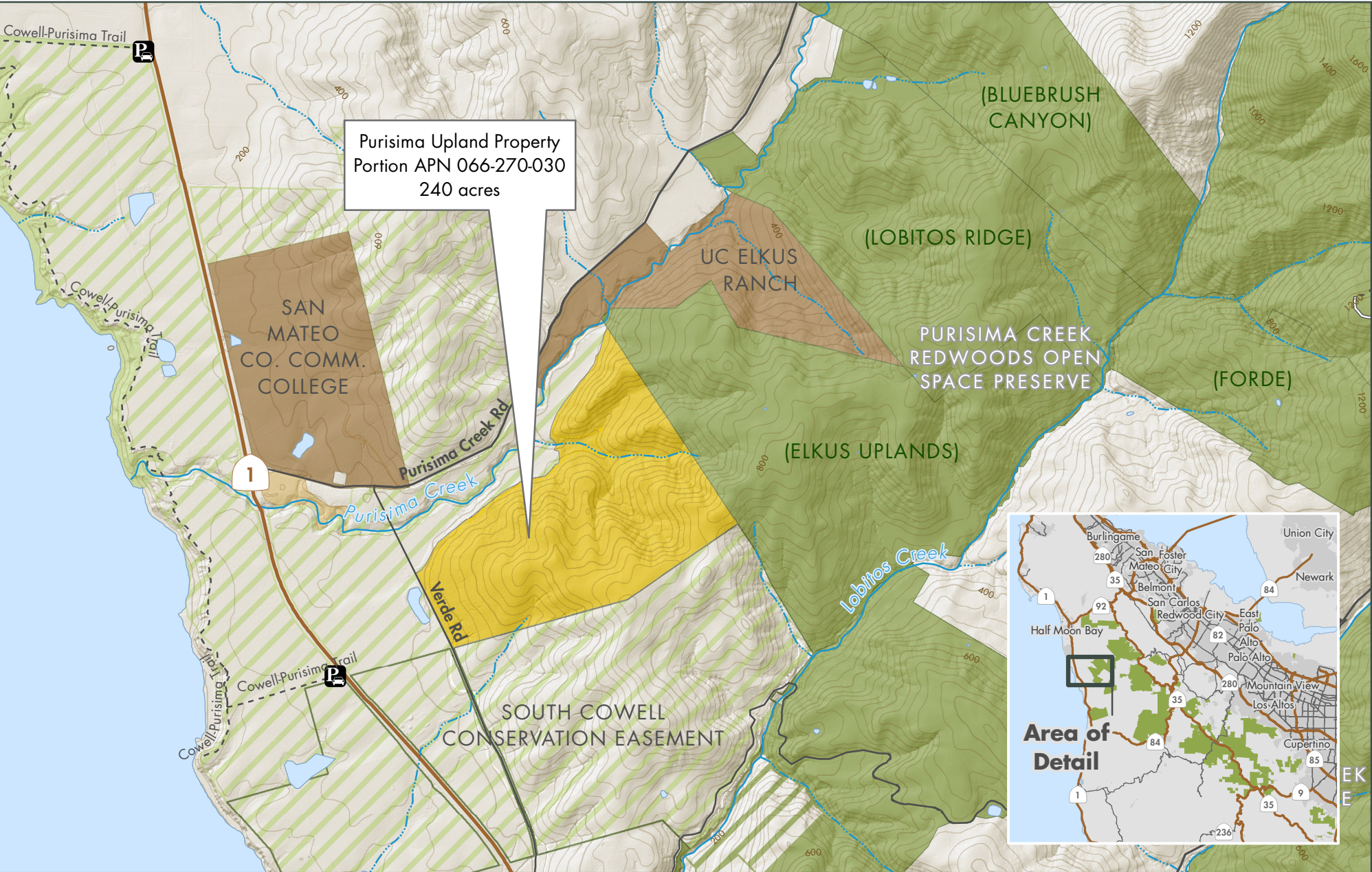
General Counsel

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.

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District Clerk





**Purisima Upland Property**

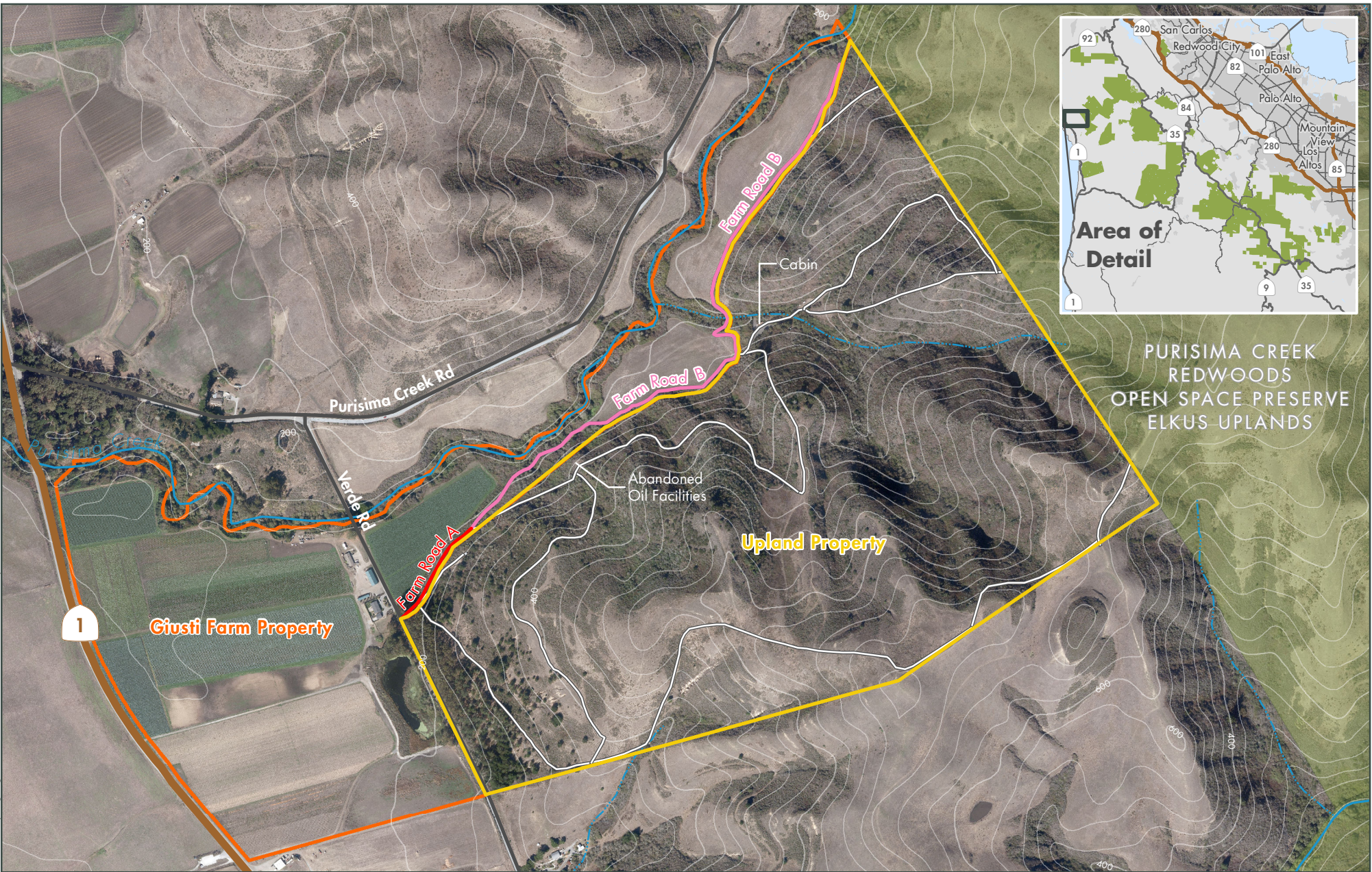
- MROSD Preserves
- Purisima Upland Property
- Other Protected Lands
- Land Trust
- Private Property
- Other Public Agency
- P Parking Lot

Midpeninsula Regional  
 Open Space District  
 (Midpen)  
 4/29/2019



While the District strives to use the best available digital data, these data do not represent a legal survey and are merely a graphic illustration of geographic features.





### Purisima Upland Farm Roads Map

- Upland Property
- Gusti Farm Property

- Farm Road A Access Easement
- Farm Road B Limited Use Access Easement

- Purisima Creek Redwoods Open Space Preserve
- Unpaved Road

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 4/29/2019

