



Midpeninsula Regional
Open Space District

R-20-24
Meeting 20-06
March 11, 2020

AGENDA ITEM 3

AGENDA ITEM

Approval of the Funding and Acquisition Agreement between the County of Santa Clara and Midpeninsula Regional Open Space District to support the Purchase of the former Gupta-Khan Property as an Addition to El Sereno Open Space Preserve located at 17045 Bohlman Road in unincorporated Santa Clara County (Assessor's Parcel Number 517-24-030).

GENERAL MANAGER'S RECOMMENDATIONS

1. Determine that the recommended actions are categorically exempt from the California Environmental Quality Act (CEQA) as set out in this report.
2. Adopt the attached Resolution authorizing the General Manager to negotiate and execute a Funding and Acquisition Agreement with the County of Santa Clara for a County contribution of half the purchase price of the former Gupta-Khan Property, or \$192,500, in exchange for the conveyance of a conservation easement.

SUMMARY

The Midpeninsula Regional Open Space District (District) is proposing to enter into a Funding and Acquisition Agreement with the County of Santa Clara (County) who would reimburse the District for half of the purchase price of the 9.37-acre Gupta-Khan Property (Property) in exchange for a conservation easement to be conveyed to the County. The following report presents a description of the proposed funding contribution from the County and the terms and conditions of the conservation easement. The Property purchase is part of Measure AA Portfolio #19, *El Sereno: Dog Trails and Connections*.

DISCUSSION

At the February 14, 2018 Regular Meeting, the Board of Directors (Board) approved the purchase of the 9.37-acre Property along with a 1.87-acre floating trail easement as an addition to El Sereno Open Space Preserve (R-18-14). The District closed escrow on March 2, 2018. The County agreed to contribute \$192,500 toward the 9.37-acre purchase, which is approximately 50% of the total \$400,000 purchase price (the County is not contributing to the floating trail easement cost). The County Board of Supervisors will consider approving the Funding and Acquisition Agreement following District Board approval. The County and the District have long cooperated to jointly plan and acquire trail corridor routes where linkage of District preserves and trail routes and County park and trail routes can be achieved, leveraging funds and efforts from both organizations. The Property acquisition and conservation easement

will facilitate the future development of a continuous trail corridor linking El Sereno Open Space Preserve and Sanborn-Skyline County Park.

In exchange for the County's financial contribution, the District will grant a conservation easement to the County over the Property. The conservation easement requires that the District maintain the Property in a natural condition, preserve the natural habitat and wildlife, and allow for future public recreational use. The easement also requires the District to submit any proposed plans for open space facilities or significant restoration activities to the County for advisory review, and to consult with the County on any future Master Plan that includes this property. In addition, the District and County will jointly develop permanent signage on properties such as Gupta-Khan to acknowledge the District and County's partnership in acquiring, linking, and managing parks and open space preserves.

The conservation easement also includes a stipulation that the District and County will enter into a Trail Construction and Maintenance Agreement to specify future responsibilities related to linking this property to connector and regional trails systems. This Agreement would be entered into within five years after the District and County have secured all of the land entitlements necessary to connect El Sereno Open Space Preserve to Sanborn-Skyline County Park. Additionally, the conservation easement stipulates that each agency would be responsible for maintaining the trail segments located on their respective lands.

The County and District have entered into five previous similar funding agreements, including for the purchase of properties along the north side of Stevens Canyon to complete the corridor of the proposed Upper Stevens Canyon Trail, to secure the 907-acre Jacques Ridge property connecting Sierra Azul to Almaden Quicksilver County Park, and to purchase the former Beatty property along Alma Bridge Road. To date, the County has contributed \$9,362,500 towards the protection of approximately 2,375 acres of District lands. If this item is approved, the total contribution will increase to \$9,555,000 protecting approximately 2,385 acres.

CEQA COMPLIANCE

This transaction was determined to be categorically exempt from CEQA at the February 14, 2018 Board meeting. The findings detailed in the prior Board Report (R-18-14) remain in effect and unchanged.

The project now also includes the conveyance of a conservation easement to the County to continue preserving and maintaining the open space nature of the property. The District further concludes that the project is exempt under Article 19, Section 15317 of the CEQA Guidelines, which exempts the establishment of easements in order to maintain the open space character of an area.

The District concludes that the action proposed in this report does not constitute a change to the project, which would result in any additional impact on the environment.

FISCAL IMPACT

The Funding and Acquisition Agreement between the County and the District would represent a positive fiscal impact of \$192,500, approximately 50% of the Property purchase price.

The following table outlines the Measure AA Portfolio #19, *El Sereno: Dog Trails and Connections* allocation, costs-to-date, and the fiscal impact related to the Funding and Acquisition Agreement between the County and the District.

MAA19 El Sereno: Dog Trails and Connections Portfolio Allocation:	\$2,254,000
County of Santa Clara Funding and Acquisition Agreement:	\$192,500
Life-to-Date Spent (as of 2/11/2020):	(\$479,526)
Encumbrances:	\$0
Portfolio Balance Remaining (Proposed):	\$1,966,974

BOARD COMMITTEE RECOMMENDATIONS

The Real Property Committee held a meeting at the Administrative Office on January 16, 2018, to discuss the proposed property purchase and the County's future partnership funding. Notice of the meeting was distributed to property owners of land located adjacent to and surrounding the property. Four neighbors attended the meeting, and all four neighbors asked questions or provided comment. Two members of the Real Property Committee were in attendance. Staff provided a presentation of the Property, described how it would be managed as an extension of the adjacent Preserve, and reviewed the proposed purchase terms. The Real Property Committee unanimously recommended forwarding this purchase to the full Board by a 2-0 vote.

PUBLIC NOTICE

Public notice was provided as required by the Brown Act. A copy of this agenda was mailed to the County of Santa Clara and property owners of land located adjacent to or surrounding the Property. No additional notice is required.

NEXT STEPS

Upon approval by the Board of Directors, the Funding and Acquisition Agreement and conservation easement will be executed, and staff will proceed with the close of escrow for the conservation easement conveyance to the County.

Attachments:

1. Resolution
2. Map

Responsible Department Head:

Michael Williams, Real Property Manager

Prepared by/Contact person:

Jasmine Leong, Real Property Agent I

Graphics prepared by:

Francisco Lopez Tapia, GIS Technician

RESOLUTION 20-__

RESOLUTION OF THE BOARD OF DIRECTORS OF MIDPENINSULA REGIONAL OPEN SPACE DISTRICT AUTHORIZING THE GENERAL MANAGER TO NEGOTIATE AND EXECUTE A FUNDING AND ACQUISITION AGREEMENT AND A CONSERVATION EASEMENT WITH THE COUNTY OF SANTA CLARA, AND AUTHORIZING THE GENERAL MANAGER TO EXECUTE ANY AND ALL OTHER DOCUMENTS NECESSARY OR APPROPRIATE TO CLOSING OF THE TRANSACTION (EL SERENO OPEN SPACE PRESERVE – FORMER LANDS OF GUPTA/KHAN)

The Board of Directors of Midpeninsula Regional Open Space District does hereby resolve as follows:

SECTION ONE. The Board of Directors of the Midpeninsula Regional Open Space District (District) does hereby authorize the General Manager to negotiate and to execute a Funding and Acquisition Agreement with the County of Santa Clara on behalf of the Midpeninsula Regional Open Space District.

SECTION TWO. The General Manager or the General Manager’s designee is authorized to negotiate and execute a Conservation Easement conveying certain real property rights by the Midpeninsula Regional Open Space District to the County of Santa Clara.

SECTION THREE. The General Manager or the General Manager’s designee is authorized to execute any and all other documents in escrow necessary or appropriate to the closing of the transaction.

SECTION FOUR. The General Manager and General Counsel are further authorized to approve any technical revisions to the attached Agreement and documents, which do not involve any material change to any term of the Agreement or documents, 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 March 11, 2020, at a regular meeting thereof, by the following vote:

AYES:
NOES:
ABSTAIN:
ABSENT:

ATTEST:

APPROVED:

Jed Cyr, Secretary
Board of Directors

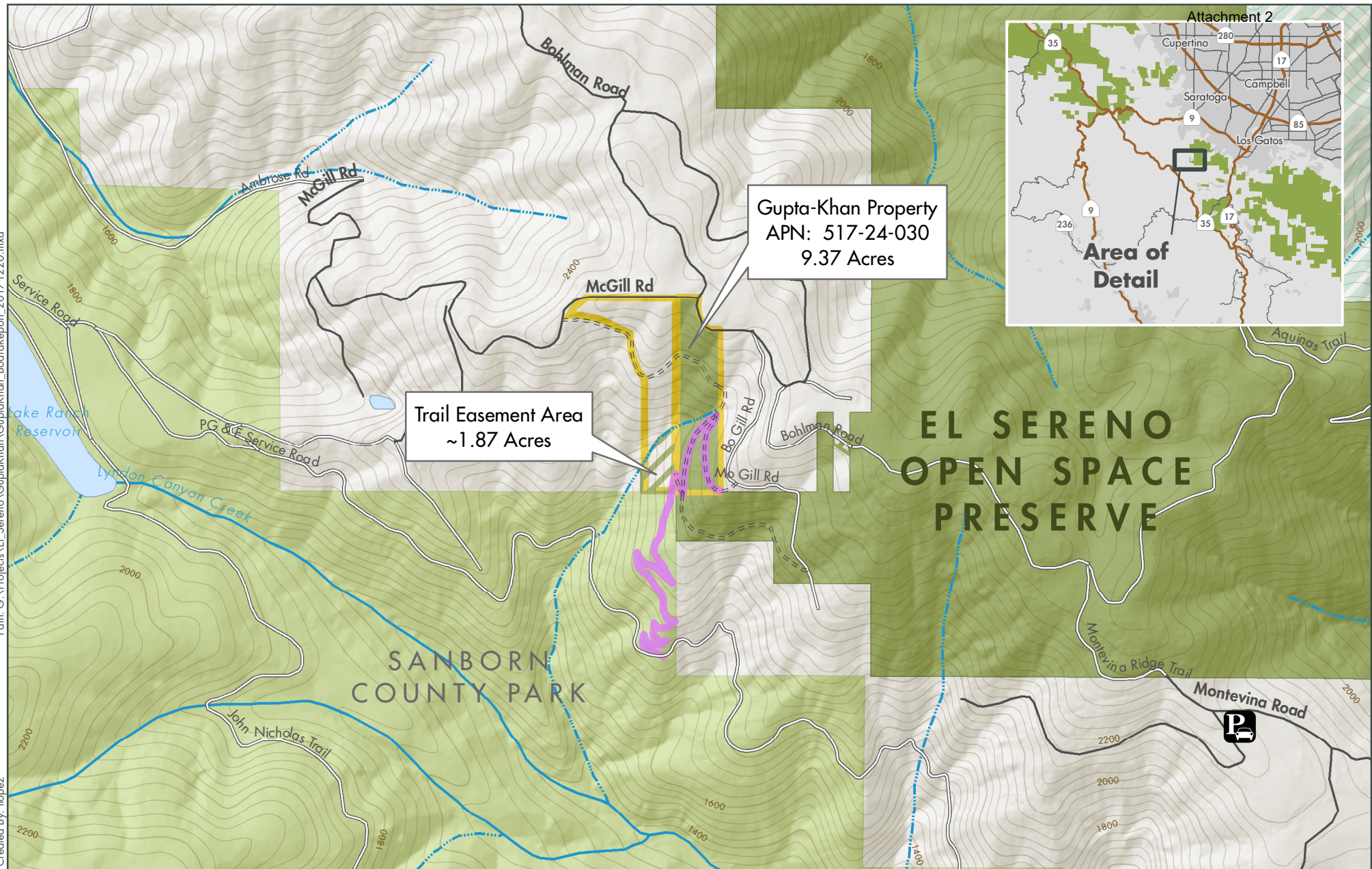
Karen Holman, President
Board of Directors

APPROVED AS TO FORM:

Hilary Stevenson, 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.

Jennifer Woodworth, District Clerk



Gupta-Khan Property

- | | | | |
|---|------------------------|---|--------------------------------|
|  | MROSD Preserves |  | Existing Paved Road |
|  | Other Protected Lands |  | Existing Unpaved Road |
|  | Private Property |  | Existing Unmaintained Road Cut |
|  | Private Watershed Land |  | Proposed Trail Connection |

- | | |
|---|----------------------------------|
|  | Gupta-Khan Properties |
|  | MROSD Easement Over Private Land |

Midpeninsula Regional
Open Space District
(Midpen)
2/27/2020



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