



Midpeninsula Regional  
Open Space District

R-20-41  
Meeting 20-09  
April 22, 2020

## AGENDA ITEM 4

### AGENDA ITEM

Proposed purchase of the POST Gordon Ridge Property as an addition to Tunitas Creek Open Space Preserve, located at 811 La Honda Road, San Gregorio in unincorporated San Mateo County (Assessor's Parcel Numbers 081-040-010, 081-022-010, and 081-022-020).

### GENERAL MANAGER'S RECOMMENDATIONS

1. Determine that the recommended actions are categorically exempt from the California Environmental Quality Act (CEQA), as set out in the staff report.
2. Adopt a Resolution authorizing the purchase of the POST Gordon Ridge Property and amending the Fiscal Year 2019-20 budget accordingly.
3. Adopt a Preliminary Use and Management Plan, as set out in the staff report.
4. Withhold dedication of the property as public open space at this time.

### SUMMARY

The General Manager recommends purchase of the 540.34-acre POST Gordon Ridge Property (Property) at a price of \$9,165,000 as an addition to Tunitas Creek Open Space Preserve. The appraised value of the Property is \$12,600,000 and the net cost to the Midpeninsula Regional Open Space District (District) would be \$7,205,000, as POST has offered a discount of \$3,435,000 and the District has secured a \$1,960,000 grant from the California Natural Resources Agency. The following report provides a description of the Property, a Preliminary Use and Management Plan, findings of the environmental review, the purchase terms and conditions, and financial considerations. A budget adjustment/increase of \$5,415,000 to the fiscal year 2019-20 (FY20) budget and a budget adjustment/increase of \$1,960,000 to FY20 general fund capital revenue would be required to proceed with the acquisition. Sufficient budgetary savings have been identified in the amended FY20 budget to cover the cost of the acquisition.

### DISCUSSION

The Midpeninsula Regional Open Space District (District) proposes to purchase the 540.34-acre Property consisting of three parcels that are all zoned Planned Agricultural District/Coastal Development (PAD/CD). The larger 535.47-acre parcel (APN: 081-040-010) is located north of Highway 84 and is improved with a single-family home, barn, garage, horse paddock, cattle grazing

infrastructure, several sheds and is actively grazed. Two smaller parcels are located south of Highway 84 at 3.87-acres (APN: 081-022-010) with approximately 0.70-acres in active agricultural production that is leased to the adjacent farm operation, and an undeveloped 1.00-acre property (APN: 081-022-020) that consists mostly of San Gregorio Creek. A dirt driveway from Highway 84 and a network of ranch roads provide access to the largest parcel, and there are no formal roads on the two smaller parcels with the exception of the cultivated portion of the 3.87-acre parcel.

This purchase advances land conservation opportunities in Vision Plan Portfolio #32 for additional Conservation Grazing and #39 for additional Watershed and Agricultural Preservation. The Property drains towards San Gregorio Creek and includes approximately 400 feet of San Gregorio Creek, a perennial stream that supports federally threatened Steelhead Trout and endangered Coho Salmon. On the Property, 535-acres are currently leased to a local coastal rancher for conservation grazing purposes.

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

The Property is located near the intersection of Highway 84 and Stage Road in San Gregorio. The District's Toto Ranch area of Tunitas Creek Open Space Preserve is located immediately to the north, and Peninsula Open Space Trust's (POST) San Gregorio Farm property is located to the south. Highway 84 travels along the southern boundary of the larger 535.47-acre parcel, and Stage Road travels along the western boundary. An informal San Mateo County Roads parking area is located on the Property near the intersection of Stage Road and Highway 1, which provides an opportunity for possible future parking and trail access to the Property. County Roads uses the parking area infrequently for staging or storing materials. District staff will coordinate with County Roads on future use of the parking area. Private properties are located along the western and eastern boundaries of the Property. The Property is highly visible from Highway 1, Highway 84 and Stage Road, and is within the limits of the State's Highway 1 Scenic Corridor.

### **Land Use and Improvements**

The larger 535.47-acre parcel is located north of Highway 84 and improved with a single-family home, barn, garage, horse paddock, cattle grazing infrastructure, several sheds and access roads. The barn is approximately 5,500 square feet and was likely constructed circa 1870-1890. The single-family residence is approximately 942 square feet and contains two bedrooms and one bath and was likely constructed circa 1905-1915. The terrain on the larger parcel consists of sloping hills that increase in height along the northern property boundary to 800 feet in elevation along Gordon Ridge. The main improvements are located on a level area in the southwest corner of the property near the intersection of Highway 84 and Stage Road.

Under POST's ownership, a Historic Resources Evaluation (HRE) of the existing house and barn was completed by Page and Turnbull, a historic preservation consulting firm. The HRE concluded that the house, while more than 50 years old, is not of historical significance and is not eligible for listing as a historic resource. The barn appears to qualify for listing in the California Register of Historic Resources under the Secretary of the Interior's Criteria 1 (Events) for its contribution to the broad patterns of local history of the growth of farming and ranching in the San Gregorio area, Criteria 3 (Architecture) as an example of architecture typical of the area's agricultural heritage, and as the structure retains integrity under the established standards.

The overall condition of the barn is good and is an integral component of the existing working ranch, as determined by the certified rangeland manager, current grazing tenant, the historic consultant, and District staff. There are no immediate maintenance or repair items that need to be addressed, but thorough inspections should occur at least every other year by District staff.

The two smaller parcels totaling 4.87-acres (3.87-acres and 1.00-acre) are located south of Highway 84 and are mostly unimproved, with approximately 0.70 of the 3.87-acre parcel actively farmed under lease to the adjacent farm. The terrain on the two smaller parcels is mostly level with an elevation of approximately 40 feet above sea level.

### **Habitat and Natural Resources Value**

The Property contains native vegetation types and includes sensitive and biologically-significant communities of Arroyo Willow and California annual grassland series, respectively. The remaining Property consists of coastal scrub over hillsides and one large stand of eucalyptus trees. The Property provides habitat for a number of larger animal species, including deer, coyotes, bobcats, and mountain lions. A wide variety of small mammals, birds, and other species occupy or migrate through the general area. Observations of the California red-legged frog have occurred on nearby property. The Property supports aquatic linkage between upland habitat and the Pacific Ocean and is part of a terrestrial habitat patch of almost 9 square miles.

### **Water Resources and Rights**

All of the Property drains to San Gregorio Creek. The San Gregorio Creek watershed supports spawning and nursery habitat for endangered Coho salmon and threatened Steelhead trout. The Property lies within the area of concern identified by the National Marine Fisheries Service as Tier 1a Lands: Core Focus Area for Coho Salmon Recovery (NMFS 2010 and CDFW 2012) and is in an area listed under the federal Clean Water Act as an impaired water body for sediment. Acquisition of property within this watershed will help support preservation of an important spawning and nursery habitat for both Coho salmon and Steelhead trout.

The Property and its associated water rights are subject to the San Gregorio watershed water rights adjudication (1993). The adjudication identifies several springs and a pond not subject to the adjudication on the Property. Currently, the springs located on the Property provide all the water needed for the residential and grazing uses. The adjudication provides a creek diversion, identified as #225(2), on the mainstem of San Gregorio Creek that provides irrigation water to the small parcel south of Highway 84 and adjacent to the POST San Gregorio Farms property, as well as on the larger parcel north of Highway 84. This diversion point is co-located with the #225(1) on the POST San Gregorio Farms property. Further, diversion #225(2) also serves a parcel currently owned by POST called "Rising Acres", reflecting the shared ownership of the parcels at the time of the adjudication in 1993. POST and the District are negotiating the division of the adjudicated allotment, which totals 100,900 gallons per day for irrigation, 900 gallons per day for stock water, and ~5,600 gallons per day for domestic use. Once POST and the District agree on a division of the water right, POST and the District will work with the Court-appointed water master, currently Stetson Engineers, to reflect this change.

### **Farm Lease**

Approximately 0.70-acres of the 3.87-acre parcel located south of Highway 84 are leased for agricultural production to the adjacent farm operation on the San Gregorio Farms property. Blue House Farm runs their main farm operation on POST's adjacent property. Blue House Farm

previously leased the 0.70-acres from the property owner prior to POST, and upon POST's purchase of the Property in January 2020, POST entered into a new 5-year lease with Blue House Farm for the 0.70-acres. The annual rent under the lease is \$100 per year, and Blue House Farm is required to submit an annual Agricultural Management Plan to the landowner for review. Per the District's Coastal Service Plan, when acquiring lands in agricultural use, the acquisition shall be subject to the continued use by the operator until such time as it is sold or leased pursuant to the use and management plan adopted for the property. Under a District purchase, the 0.70-acre farm lease would be assigned to the District.

### **Grazing Lease**

Approximately 535-acres of the larger 535.47-acre parcel located north of Highway 84 are currently leased to Pacheco Ranch for cattle grazing. The existing barn and surrounding yard are included in the lease. Pacheco Ranch has leased and run cattle on the Property since 2013. Finding the grasslands on the Property in good condition and the tenant's general management practices and stocking rates appropriate for the site, POST entered into a new 5-year grazing lease (with one 5-year option to extend), modeled after the District's standard grazing lease, with Pacheco Ranch for year-round rotational cattle grazing. The current Animal Unit Month (AUM) stocking rate in the lease is 482-units, which equates to approximately \$7,615 in annual rent.

Prior to entering into the lease, POST hired a certified rangeland manager to prepare a rangeland management plan for the Property to codify the general good practices in place on the grazed portions of the Property. The rangeland management plan guides grazing management decisions by establishing acceptable stocking rates when using livestock grazing for maintenance of native plant and animal communities, management of vegetation for fire protection, and invasive plant species control under a range of conditions, including drought. The rangeland management plan includes a grazing monitoring plan. It also recommends improvements to existing fencing, corrals, water infrastructure, and stock ponds. The rangeland management plan is incorporated into the grazing lease and governs the existing tenant's management of the property. To date, POST has replaced approximately 20,000 linear feet of the perimeter fencing per the recommendations of the rangeland management plan.

Per the District's Coastal Service Plan, when acquiring lands in agricultural use, the acquisition shall be subject to the continued use by the operator until such time as it is sold or leased pursuant to the use and management plan adopted for the property. Under a District purchase, the 535-acre grazing lease would be assigned to the District. Recommended improvements contained in the rangeland management plan, such as improvements to water infrastructure and stock ponds, will require applicable permits, which may include Coastal Development permits, preparation of compliance to the California Environmental Quality Act (CEQA), regulatory agency approvals, of which costs would be included in future years' operating budgets.

### **Residential Lease**

The larger 535.47-acre parcel is also improved with a two-bedroom, one-bath residence that is currently vacant. Staff concludes that the best use of the Property's existing house continues to be as a residence, preferably for a staff employee to provide a District presence in the general location. Under a District purchase, a qualified District staff member would move into the residence, under the District's standard employee lease agreement.

## COASTAL ANNEXATION AREA SERVICE PLAN COMPLIANCE

The Property is within the boundaries of the District's Service Plan for the San Mateo County Coastal Annexation Area (Service Plan), adopted in June 2003. The Service Plan and subsequent conditions approved by the San Mateo Local Agency Formation Commission (LAFCo) established policies and procedures for conducting the District's Coastside Protection Program (Program). The Program guides the District's coastal purchases, as well as the use and management of open space land within the Service Plan Area.

The Service Plan requires solicitation of public input prior to the Board of Directors' (Board) consideration of an acquisition. On April 1, 2020, the District notified nearby property owners in writing of the intent to acquire the Property and opportunities to provide comments. On April 7, 2020, the District's Real Property Committee held a publicly-noticed meeting to review the proposed purchase (refer to section on Board Committee Review).

The District's coastal land purchases are subject to a Memorandum of Understanding between the San Mateo County Farm Bureau and the District. In accordance with the memorandum, District staff presented information and solicited comments on the proposed property purchase at a regularly scheduled Farm Bureau meeting on March 2, 2020. The Farm Bureau had questions regarding the ability for the District to transfer the 4.87-acres of land south of Highway 84 to a farmer and if the 535.47-acre property north of Highway 84 was a single parcel. District Staff responded that it was a possibility to transfer the 0.70-acre farm lease portion or all of the property south of Highway 84 to a farmer and that the 535.47-acre property is a separate legal parcel.

## USE AND MANAGEMENT

### Planning Considerations

The Property consists of three parcels located in unincorporated San Mateo County. All parcels have a General Plan designation of Agricultural Rural with a zoning designation of Planned Agricultural Development/Coastal Development (PAD/CD). Current land uses consist of cattle grazing, pasturing, livestock staging, horse paddocks, farming and residential. Natural resource management, habitat preservation, agriculture, residential and low intensity recreation are allowable uses within the land use designation. On March 9, 2020, District staff presented the purchase to the San Mateo County Agricultural Advisory Commission as an informational item. On March 25, 2020, the San Mateo County Planning Commission confirmed that the acquisition of the Property for open space and agricultural use complies with the County's General Plan.

If purchased, the Property will be incorporated into the Tunitas Creek Open Space Preserve, and a Preliminary Use and Management Plan as set out in this report will be implemented. When undertaken, a future planning process would analyze opportunities for compatible public use. Further environmental review would be prepared as needed. Subsequent planning would be in accordance with the District's Service Plan, including consultation with appropriate agencies and organizations.

### Williamson Act Considerations

The 535.47-acre portion of the Property is subject to a Land Conservation Agreement between San Mateo County (County) and San Mateo County Title Company under the California Land Conservation Act of 1965 (also known as the Williamson Act), recorded in 1971 (Document

#85915AD). The Williamson Act Contract (Contract) is a voluntary agreement between a landowner and the County to maintain ongoing commercial agricultural use in exchange for a property tax reduction. The Contract provides for the compatible uses of open space and recreation. The Contract was non-renewed by the County on October 21, 2015 (Document #2015-111700), and the District is required to comply with the terms of the Contract until it terminates on December 31, 2024.

**Partnership Recognition**

POST and the California Natural Resources Agency will be recognized for a significant purchase price discount, grant funding, and for protection of the Property as open space. 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) establishes a status quo land management approach in the interim between the purchase and the completion of a future long-term plan. The PUMP includes site security and maintenance of the Property in its existing uses as described below. The PUMP takes effect at the close of escrow and remains effective until changes warrant an amendment or development of a Preserve Master Plan to include this Property. If changes to land use or the physical environment were proposed in the future, the plan would be subject to further environmental review and public input.

- Name: Name the property as an addition to Tunitas Creek Open Space Preserve.
- Dedication: Withhold dedication of the property as open space at this time.
- Coastal Service Plan: Operate and manage the property in compliance with the District’s Service Plan for the Coastal Annexation Area and the mitigation measures adopted pursuant to the Service Plan’s Environmental Impact Report.
- Public Access: Designate the Property as closed to public use at this time.
- Signs and Site Security: Install and maintain Preserve boundary and closed area signs where appropriate. Coordinate with County Roads on use of the parking area adjacent to Stage Road at the northwest end of the Property.
- Fences and Gates: Install and maintain gates and fencing as necessary to prevent unauthorized entry.
- Roads and Trails: Implement maintenance and minor erosion and sediment control measures for access roads and ranch roads in accordance with District’s adopted Resource Management Policies standards and regulatory permits.
- Patrol: Routinely patrol the Property.

Existing Leases	Accept assignment of existing farm and grazing lease from POST.
Structures	<p>Designate the existing house and garage as an employee residence. Routinely inspect and maintain residence as needed.</p> <p>Routinely inspect existing ranch structures as part of management of the assigned grazing lease. Inspect the barn every 2 years.</p> <p>Retain and preserve the existing barn under the assigned grazing lease as part of the working ranch. As the structure is eligible for listing in the California Register of Historic Resources, any future significant repairs shall be in compliance with Secretary of the Interior's Standards for the Treatment of Historic Properties and the State's Historic Resource Building Code, and subject to CEQA.</p>
Williamson Act Contract	Comply with existing Williamson Act Contract until contract is terminated in December 2024.
Resource Management:	Maintain the Property in its existing condition as grazing land, farmland and open space. Conduct plant and animal management activities consistent with the District's adopted Resource Management Policies, Integrated Pest Management Program Guidance Manual, Best Management Practices, and regulatory permits issued to the District as needed.
Water Resources:	Protect creeks, springs, ponds, and seeps on the property consistent with the District's adopted Resource Management Policies, Integrated Pest Management Program Guidance Manual, Best Management Practices, and regulatory permits issued to the District as needed. Recommended improvements to water resources will require applicable permits, which may include a Coastal Development permit, CEQA review, and/or other regulatory agency approvals.
Water Rights:	Continue to work with POST to divide adjudicated water rights at the point of diversion identified in the San Gregorio Creek Decree associated with the property. POST and District will complete the appropriate filings to formally divide the water rights.
Wildfire Fuel Management:	<p>Implement standard District-wide fuel management and defensible space practices.</p> <p>Consult with San Mateo County Fire to develop a fuel management program and review potential water supplies as described in the approved 2019 Successor Fire Services Agreement.</p>

Subsequent Planning Considerations: Any subsequent future infrastructure improvements, changes in land management leases, or public access planning will include consultation with appropriate agencies, organizations, and the community, including public workshops to gather input and review draft and final plans for future public access. When preferred plans are identified, the District will complete the necessary environmental assessment under CEQA at that time.

Subsequent planning considerations shall include partner recognition and interpretive signs that recognize POST and the California Natural Resources Agency for their role in protection of the Property as open space as appropriate and in compliance with District policy.

San Mateo County Local Coastal Program The Property is within the San Mateo County Coastal Zone. Consult with County Planning on all subsequent actions to ensure compliance with the Local Coastal Plan (LCP) and Coastal Development (CD) permitting requirements.

## CEQA COMPLIANCE

### Project Description

The project consists of the purchase of the 540.34-acre Property as an addition to the District's open space preserve system and concurrent adoption of a PUMP that establishes a status quo land management approach to maintain the Property, with no expansion or changes to its existing uses of agricultural lands and natural habitat, in the interim between the purchase and the completion of a future long-term plan.

Any minor erosion and sediment control measures and minor resource management activities implemented by the District or tenants as part of the PUMP will be conducted in accordance with the District's approved 2012 Resource Management Policies and the mitigation measures adopted as part of the Resource Management Policies' FEIR, and in accordance with applicable regulatory permits issued to the District. Any invasive species control will be conducted in accordance with the District's 2014 adopted Integrated Pest Management Policies and Integrated Pest Management Program Guidance Manual, Best Management Practices, and the mitigation measures adopted as part of the Integrated Pest Management Policies' FEIR. An addendum to the FEIR was approved in 2019 to include additional species of concern and additional treatment methods. Recommended improvements identified in the rangeland management plan, such as improvements to water infrastructure and stock ponds, are not part of this project and will require subsequent environmental review for compliance with CEQA and regulatory agency approvals.

The 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), certified in 2004, incorporated policies, guidelines, and mitigations to ensure compatibility with the County General Plan and Local Coastal Plan. Actions proposed are to purchase and maintain the Property in its existing uses, and implement the PUMP to comply with the Service Plan and the Service Plan FEIR.



**CEQA Determination**

The District concludes that the purchase of the POST Gordon Ridge Property and adoption of the PUMP is categorically exempt from the California Environmental Quality Act (CEQA) under Article 19, Sections 15301 and 15325 of the CEQA Guidelines:

Section 15301 exempts the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, or topographical features, involving negligible or no expansion of use beyond the existing uses. The PUMP will maintain the Property as status quo with no expansion or changes to its existing uses as agricultural and open space lands, complying with the District's adopted Resource Management Policies, Integrated Pest Management Program Guidance Manual, Best Management Practices, and regulatory permits issued to the District as applicable, in the interim between the purchase and the completion of a future long-term plan. The PUMP includes minor erosion control work as necessary and minor natural resource management activities.

Section 15325 (a) acquisition or transfer of ownership to preserve existing natural conditions, including plant and animal habitats, (b) acquisition or transfer of ownership to allow continued agricultural uses, and (f) acquisition or transfer of ownership to preserve open space. The proposed acquisition will transfer fee ownership of the Property to the District to ensure that these lands will be preserved in their existing natural condition, allow continued agricultural uses, preserve open space, and incorporate the Property into the District's Tunitas Creek Open Space Preserve.

**TERMS AND CONDITIONS**

The 540.34-acre POST Gordon Ridge Property is being purchased at a bargain sale price of \$9,165,000 (\$16,961 per acre). The property has a fair market appraised value of \$12,600,000 based upon an independent appraisal commissioned by the District. This equates to gift value of \$3,435,000. In addition, the District is reimbursing POST up to \$30,000 for preliminary site and structural evaluations conducted by POST. As part of this transaction, POST will assign the existing grazing and farm leases to the District. The Property would be purchased "as-is" and on an all-cash basis. The transaction would close escrow by June 30, 2020.

At the November 13, 2019 meeting, the Board authorized the General Manager to enter into a funding agreement with the California Natural Resource Agency (CNRA) for a \$2,000,000 grant for the purchase of the Gordon Ridge property (R-19-135). After deducting a 2% administrative fee, \$1,960,000 will be applied to the purchase of the 535.47-acre Gordon Ridge property north of Highway 84. This grant will be applied towards the bargain sale purchase price of \$9,165,000 with the net cost to the District of \$7,205,000. The CNRA requires the recording of a memorandum of unrecorded agreement to ensure that the portion of the property purchased with grant funds is used for purposes consistent with the grant scope. This funding agreement is compatible with the standard use and management of the District's open space preserve system. The funding agreement only applies to the larger property on the north side of Highway 84 so that the District retains flexibility in the future if the Board later determines that the best way to manage the small farmland area of the Property south of the highway is to sell the 0.70-acre farm area to an agricultural buyer, consistent with Coastside Protection Program guidelines.

## FISCAL IMPACT

Through State Assembly Bill 74, \$2,000,000 was allocated in the FY20 State budget for the purchase of the POST Gordon Ridge Property. The grant will be issued through the California Natural Resources Agency (CNRA), and after CNRA administration fees, a net amount of \$1,960,000 will be available for the purchase. The acceptance of the grant was approved by the Board on November 13, 2019 (R-19-135). Staff is working to get the grant funds placed into escrow, but if this does not occur in time, the District would advance the funds and secure a subsequent reimbursement from CNRA. A budget amendment to increase the general fund capital revenue by \$1,960,000 is recommended at this time if such an advance is required in order to mobilize quickly and complete the transaction. Reimbursement when then be expected in early FY21.

Land acquisitions brought before the Board for approval include a budget adjustment/increase to the adopted budget. The FY20 amended budget includes \$3,750,000 for the Gordon Ridge land acquisition. If approved, an amendment to increase the FY20 general fund capital budget by \$5,415,000 is required to complete the acquisition in FY20 at the bargain sale purchase price of \$9,165,000 and finalize the \$1,960,000 net CNRA grant. Of note, the remaining 50% of the land acquisition was originally budgeted for FY21; sufficient budgetary savings have been identified in the FY20 amended budget to cover the remaining acquisition costs this fiscal year.

The table below outlines the net acquisition cost to the District, followed by total land purchases to date in FY20.

<b>Fair Market Appraised Value – Gordon Ridge</b>	<b>\$12,600,000</b>
POST Gift to the District	(\$3,435,000)
Property Purchase Amount ( <i>incl. \$5,000 Option Deposit</i> )	\$9,165,000
California Natural Resources Agency (CNRA) Grant ( <i>less 2% fee</i> )	(\$1,960,000)
<b>Net Cost to District</b>	<b>\$7,205,000</b>

### Coastside Protection Area Fiscal Considerations

The POST Gordon Ridge Property is located within the service area of San Mateo County Fire. However, under the terms of the District/County Fire agreement, the District is not required to pay a County Fire fee when the District leases the property for a private agricultural or residential use, which is subject to a possessory interest tax. The use of the grassland areas of the larger 535.47-acre parcel (APN: 081-040-010) are leased to the existing grazing tenant, and the residence would be rented as an employee residence. In addition, the agricultural area on a portion of the 3.87-acre parcel (APN: 081-022-010) is leased to the existing agricultural tenant. Therefore, no County Fire fee is required for these two parcels. The District would pay a fee of \$10.84 with a 2% annual increase for the undeveloped 1.00-acre parcel (APN: 081-022-020).

The Property is not located within the service area of the La Honda-Pescadero Unified School District; therefore, no fees are incurred under the School District Agreement as a result of the proposed purchase.

The recommended action is not funded by Measure AA.

The Controller has reviewed and approved the proposed General Fund acquisition.

## **BOARD COMMITTEE RECOMMENDATIONS**

The District's Real Property Committee held a virtual meeting on April 7, 2020 to review information about the Property and receive public input on the proposed purchase. The District distributed a notice of the Real Property Committee meeting on April 1, 2020 to property owners located adjacent to or surrounding the subject property and interested parties. Staff provided a presentation of the Property, reviewed the purchase terms, and described how the Property would remain closed and managed as an extension of the surrounding Preserve. All members of the Real Property Committee attended the virtual meeting. No members of the public attended and no public comments were made. The Real Property Committee recommended forwarding the proposed purchase to the District Board of Directors in a vote of 3-0.

## **PUBLIC NOTICE**

Public notice was provided as required by the Brown Act, and a copy of this agenda was mailed to property owners of land located adjacent to or surrounding the Property, as well as the Coastside Protection Area mailing list.

## **NEXT STEPS**

Upon approval, staff will continue to work towards securing the grant funds into escrow, and the General Manager will direct staff to proceed with the close of escrow for the purchase of the Property and implement the PUMP. The District's Skyline Field Office will manage the Property as an addition to Tunitas Creek Open Space Preserve.

### **Attachments:**

1. Resolution Authorizing Acceptance of Purchase and Sale Agreement, Authorizing the General Manager or Other Officer to Execute Certificate of Acceptance of Grant to District, and Authorizing General Manager to Execute any and all Other Documents Necessary or Appropriate to Closing of the Transaction (Tunitas Creek Open Space Preserve - Lands of POST)
2. Gordon Ridge Property Location Map

Responsible Department Head:  
Michael Williams, Real Property Manager

Prepared by:  
Allen Ishibashi, Sr. Real Property Agent  
Elish Ryan, Planner III

Graphics prepared by:  
Nathan Greig, Data Analyst II  
Francisco Tapia, GIS Technician

**RESOLUTION 20-\_\_**

**RESOLUTION OF THE BOARD OF DIRECTORS OF MIDPENINSULA REGIONAL OPEN SPACE DISTRICT ACCEPTING THE PURCHASE AND SALE AGREEMENT, AMENDING THE FISCAL YEAR 2019-20 GENERAL FUND CAPITAL BUDGET, AUTHORIZING GENERAL MANAGER OR OTHER APPROPRIATE OFFICER TO EXECUTE CERTIFICATE OF ACCEPTANCE AND GRANT TO DISTRICT, AUTHORIZING GENERAL MANAGER TO EXECUTE ANY AND ALL OTHER DOCUMENTS NECESSARY OR APPROPRIATE TO CLOSING OF THE TRANSACTION (TUNITAS CREEK OPEN SPACE PRESERVE - LANDS OF PENINSULA OPEN SPACE TRUST)**

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

**SECTION ONE.** The Board of Directors of Midpeninsula Regional Open Space District (District) does hereby accept the offer contained in that certain Purchase and Sale Agreement between Peninsula Open Space Trust, and the Midpeninsula Regional Open Space District, a copy of which purchase agreement is attached hereto and by reference made a part hereof, and authorizes the President of the Board of Directors, General Manager, or other appropriate officer to execute the Agreement and all related transactional documents on behalf of the District to acquire the real property described therein (“the POST Gordon Ridge Property”).

**SECTION TWO.** The Board authorizes the expenditure of \$9,165,000.00 covering the purchase of the POST Gordon Ridge Property, including a deposit of \$5,000.00.

**SECTION THREE.** The Board approves an amendment to the Budget and Action Plan for Fiscal Year 2019-20 by increasing the General Fund Capital budget in the amount of \$5,415,000.00. Except as herein modified, the FY2019-20 Budget and Action Plan, Resolution No. 19-15 as amended, shall remain in full force and effect.

**SECTION FOUR.** The Board approves an increase to the general fund capital projected revenue in the amount of \$1,960,000 for the net distribution of the California Natural Resources Agency grant for the acquisition of the Gordon Ridge property.

**SECTION FIVE.** The General Manager, President of the Board of Directors, or other appropriate officer is authorized to execute a Certificate of Acceptance and the Grant Deed on behalf of the District.

**SECTION SIX.** The General Manager or the General Manager’s designee is authorized to provide notice of acceptance to the seller, execute all escrow documents and to extend escrow if necessary.

**SECTION SEVEN.** The General Manager or the General Manager’s designee is authorized to expend up to \$20,000.00 to cover the cost of title insurance, escrow fees, survey and miscellaneous costs related to this transaction.

**SECTION EIGHT.** 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 \_\_\_\_\_, 2020, at a regular meeting thereof, by the following vote:

- AYES:**
- NOES:**
- ABSTAIN:**
- ABSENT:**

**ATTEST:**

**APPROVED:**

\_\_\_\_\_  
Jed Cyr, Secretary  
Board of Directors

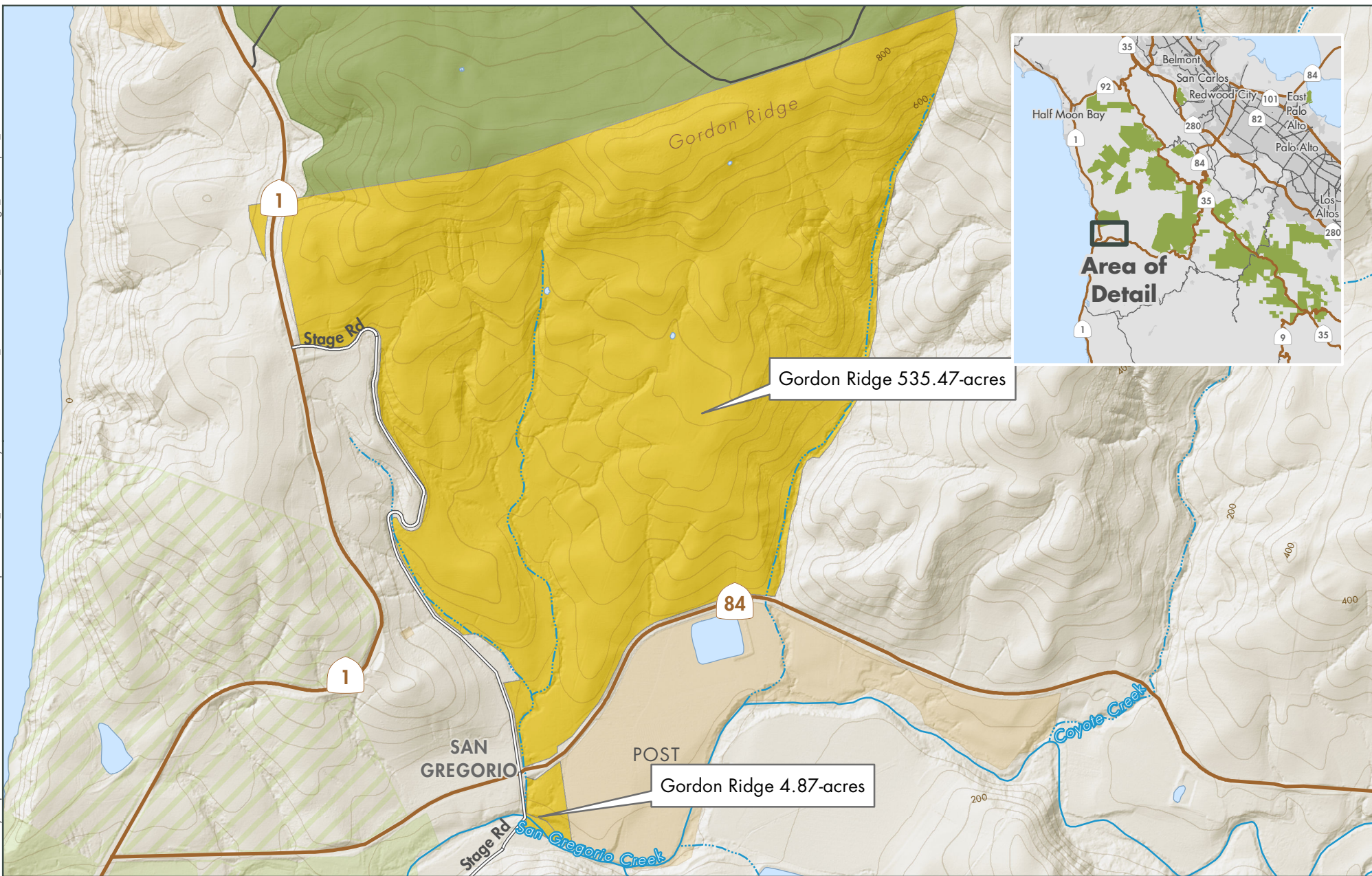
\_\_\_\_\_  
Karen Holman, President  
Board of Directors

**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



### Gordon Ridge Property: San Gregorio, CA

- |                       |                                 |                   |
|-----------------------|---------------------------------|-------------------|
| MROSD Preserves       | Gordon Ridge Property           | Stage Road        |
| Other Protected Lands | Peninsula Open Space Trust      | Unmaintained Road |
| Private Property      | Non-MROSD Easement over Private |                   |

Midpeninsula Regional  
Open Space District  
(MROSD)  
March 2020



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.