



Midpeninsula Regional  
Open Space District

R-21-17  
Meeting 21-03  
January 27, 2021

**AGENDA ITEM 3**

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Annual Dedication Report of Certain Lands of the Midpeninsula Regional Open Space District

**GENERAL MANAGER'S RECOMMENDATION**

Accept the annual report on the status of dedicated interests in lands of the Midpeninsula Regional Open Space District held for public open space purposes.

**SUMMARY**

In accordance with the Midpeninsula Regional Open Space District's (District) Policy for Dedication of District Lands, adopted in January 1986 (Attachment 1), an annual report of the status of District lands as dedicated or undedicated is prepared each December/January. To date, approximately 65.5% of District lands are dedicated. Based on an annual, parcel-specific analysis of District property, no additional land is recommended this year for dedication.

**BACKGROUND**

In accordance with the Policy for Dedication of District Lands, the Board of Directors (Board) receives an annual report indicating the status of District lands as dedicated or undedicated as of December 1<sup>st</sup> of the reporting year. The annual report may also contain recommendations for additional dedication of specific District properties or interests in lands. Upon dedication, those properties effectively become permanently protected, and the District voluntarily eliminates its ability to sell or otherwise convey those dedicated properties without voter consent, except under narrow statutory exceptions. The exceptions are referenced in the District's enabling legislation within Public Resources Code Section 5540. The statutory exceptions only permit the following: (a) exchanges of dedicated land of equal or greater open space value not to exceed a total of 40 acres in a calendar year, or (b) the transfer of land to another government agency upon the condition that the land will continue to be protected as open space in perpetuity.

Undedicated lands within District boundaries are reserved for future dedication to park and/or open space purposes, but only after the necessary planning, boundary adjustments, provision for permanent access, and other changes in configuration, which may involve the disposal or exchange of interests in all or portions of such lands, have been completed. Retaining certain lands in an undedicated status is often in the public's best interest as this affords maximum flexibility to achieve these modifications and secure the rights necessary for priority goals such as wildlife and trail connectivity. In the interim, undedicated District lands may be used for park or open space purposes within the meaning of Section 5540 of the Public Resources Code.

When considering the adoption of a Use and Management Plan, the Board determines whether the underlying land is to be dedicated at the time of the annual report or be withheld until a later time, such as when comprehensive planning has been completed. Dedication status is also reviewed as part of the regular land use and management planning process, such as approval of a Site Plan, Preserve Plan or Master Plan. When approving such plans, the Board may adopt a motion of intention to dedicate at that time or to withhold dedication until a future time. Another factor for consideration is when a granting agency requires land dedication as a condition of funding support.

## DISCUSSION

### Dedication Status Summary

The Dedication Status Summary Report 2020 (Attachment 2) provides the total acres held within each District preserve and their dedication status. Only those lands for which title has passed to the District on or before December 31, 2020 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 table below provides a summary of the dedication status of District lands.

<i>Land Interests of the District</i>		<i>Acres</i>
Fee Title Interests		59,570.34
Lesser Interests		5,454.31
<b>Total District Interests</b>		<b>65,024.65</b>
Lands with lesser interest that prevent dedication		-2,102.73*
<b>Total acres of lands with marketable interests</b>		<b>62,921.92</b>
<i>Dedication status of lands with marketable interests</i>		<i>%</i>
Dedicated lands		65.45%
Undedicated lands		34.55%
<b>Total acres of lands with marketable interests</b>		<b>100.00</b>
		<i>Acres</i>
Dedicated lands		<b>41,178.31</b>
Undedicated lands		21,743.61
<b>Total acres of lands with marketable interests</b>		<b>62,921.92</b>

\*Land with lesser interest include lands protected by District funding contributions and long-term agreements with other agencies.

### Open Space Lands Acquired and Protected since December 31, 2020

The last annual report was presented to the Board on January 22, 2020 (R-20-11). The table below reports total lands acquired since that date that have closed escrow as of December 31, 2020.

<i>Year</i>	<i>Interest Type</i>	<i>Acres</i>	<i>Appraised Value</i>	<i>District Expenditure</i>	<i>Partner funds, exchanges, grants or gifts</i>
2020	Fee	911.52	\$17,356,000	\$11,955,000	\$5,592,577.50*
2020	Lease Agreement	182.15	\$1,075,000	\$0	\$0**
<b>Total</b>		<b>1093.67</b>	<b>\$18,431,000</b>	<b>\$11,955,000</b>	<b>\$5,592,577.50</b>

\*Includes receipt of \$191,577.50 from County of Santa Clara as part of 2018 cost-sharing agreement to purchase property that would advance efforts to connect El Sereno Open Space Preserve with Sanborn County Park (R-20-24).

\*\*On July 22, 2020, the Board of Directors approved the purchase of San Jose Water Company El Sereno inholding property and assignment of the purchase to POST (R-20-78) to allow District to apply for and secure purchase grant funds from the Wildlife Conservation Board scheduled for May 27, 2021.

**Dedication Recommendations for 2020**

The District annually conducts a parcel-specific analysis to provide dedication recommendations. The analysis includes consideration of criteria identified in the governing policy (Attachment 1). Staff also considers preserve parcel configuration, surrounding land use, pending negotiations for adjacent acquisitions, project coordination with partner agencies, and other relevant factors. Based upon the analysis conducted, there are no lands suitable for dedication at this time.

**Recommendations for Later Dedication**

Pockets of undedicated lands occur throughout the District, but the majority of undedicated District lands lie within La Honda Creek and Sierra Azul Open Space Preserves (OSP). At La Honda Creek OSP, 48% (3,038.61 acres) of the 6,333.7-acre preserve is undedicated. Development of public access improvements are underway in the Preserve. When the 2012 Master Plan is amended to include property acquired since 2012, and public access improvements are completed, the status of undedicated lands will be reevaluated. At Sierra Azul OSP, 71.3% (13,687.05 acres) of the 19,185.6 preserve is undedicated. Completion of the Sierra Azul OSP Master Plan was deferred to allow for a focused implementation of the Mount Umunhum Public Access and Environmental Restoration Project. When long-term management goals for the entire Preserve are approved, the status of undedicated lands will be reevaluated.

**FISCAL IMPACT**

Acceptance of the Annual Dedication Report has no immediate fiscal impact.

**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, County of San Mateo, Santa Clara Valley Water District, and Peninsula Open Space Trust. No additional notice is necessary.

**CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) COMPLIANCE**

No compliance is required as this action is not a project under CEQA.

**NEXT STEPS**

In December 2021, Real Property staff will review with other Departments the District lands that may be suitable for dedication in the future and provide these findings as part of the 2021 Annual Dedication Report.

**Attachments:**

1. Policy for Dedication of District Lands
2. Dedication Status Summary Report 2020

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RESOLUTION OF THE BOARD OF DIRECTORS OF THE  
MIDPENINSULA REGIONAL OPEN SPACE DISTRICT  
ADOPTING AN AMENDED POLICY FOR THE DEDICA-  
TION OF DISTRICT LANDS

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POLICY FOR DEDICATION OF DISTRICT LANDS

WHEREAS, this Board desires to reaffirm and memorialize its policy concerning the status of District lands, now owned or later acquired, with respect to the distinction between dedicated and non-dedicated land:

NOW, THEREFORE, BE IT RESOLVED that the policy of the Midpeninsula Regional Open Space District concerning the status of land it owns or administers is as follows:

1. Dedicated Land. Dedicated land means all real property or interests therein, formally dedicated for park or open space, or both, purposes by resolution of this Board.

2. Undedicated Land. Undedicated land means all real property, or interests therein, that is not "dedicated land" as defined above. Undedicated land shall be considered to be held in a "planning reserve" status and shall not be considered to be dedicated for park or open space, or both, purposes within the meaning of Section 5540 of the Public Resources Code.

Normally, undedicated lands within the District's boundaries will be held for future dedication to park or open space, or both, purposes, but only after the necessary planning, boundary adjustments, provision for permanent access and other changes in configuration, which may involve the disposal or exchange of interests in all or portions of such lands, have been completed. Nevertheless, undedicated land may be used on a limited basis for park or open space, or both, purposes within the meaning of Section 5540 of the Public Resources Code.

At the time of adoption of the Interim Use and Management Plan following acquisition, the Board shall decide by adopted motion whether or not the acquired parcel of land is intended to be dedicated at the time of the annual report described below. The status of each such parcel shall also be reviewed as part of the regular land use and management planning process, and the Board may then adopt a motion of intention to dedicate at the time of the annual report.

An annual report shall be made in December of each year showing which District lands are in planning reserve status. At that time, the Board of Directors will normally dedicate by resolution any lands which it deems appropriate, but may also dedicate lands at any other time.

3. Transfer-Dedicated Land. Dedicated land may not be conveyed except as provided in Section 5540, Section 5540.5 or Section 5540.6 of the Public Resources Code.

4. Transfer-Undedicated Land. Undedicated land may be conveyed, transferred, leased, or disposed of at the sole discretion of the Board of Directors.

5. This resolution supercedes Resolution 79-54.

# Dedication Status Summary Report

Preserve	Fee , Easements and Other			Fee Acreage			Easements on Private Land			Easements on Public Land			Lease and Management	Contribution Only	Other Interest
	Dedicated Acres	Undedicated Acres	Total Acres	Dedicated	Undedicated	Intended	Dedicated	Undedicated	Intended	Dedicated	Undedicated	Intended			
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	5.80	2,908.07	2,902.27	5.50	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	221.55	1,614.50	1,392.83	31.87	0.00	0.12	6.84	0.00	0.00	0.00	0.00	182.15	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	5.03	740.12	735.09	0.00	0.00	0.00	4.00	0.00	0.00	0.00	0.00	0.00	0.00	1.03
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	3,038.61	6,333.70	3,294.92	3,035.23	2,397.35	0.17	3.00	0.00	0.00	0.38	0.00	0.00	0.00	0.00
Long Ridge	1,941.56	284.33	2,225.89	1,928.41	230.99	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	3,422.73	114.02	3,536.75	3,388.70	-11.34	0.00	34.03	28.10	24.90	0.00	0.00	0.00	85.37	0.00	11.89

Preserve	Fee , Easements and Other			Fee Acreage			Easements on Private Land			Easements on Public Land			Lease and Management	Contribution Only	Other Interest
	Dedicated Acres	Undedicated Acres	Total Acres	Dedicated	Undedicated	Intended	Dedicated	Undedicated	Intended	Dedicated	Undedicated	Intended			
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
Other	0.00	5.19	5.19	0.00	0.00	0.00	0.00	0.00	0.00	0.00	5.19	0.00	0.00	0.00	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	1,667.08	5,409.31	3,742.23	1,621.98	84.15	0.00	45.00	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	2.70	374.37	273.67	0.00	0.00	0.00	1.45	0.00	0.00	1.25	0.00	98.00	0.00	0.00
Russian Ridge	3,013.33	477.19	3,490.52	3,013.33	118.19	0.39	0.00	353.00	0.00	0.00	0.00	0.00	0.00	0.00	6.00
Saratoga Gap	1,411.57	201.75	1,613.32	1,345.57	201.07	0.00	0.00	0.68	0.00	66.00	0.00	0.00	0.00	0.00	0.00
Sierra Azul	5,498.55	13,687.05	19,185.60	5,058.13	13,567.66	1,634.41	68.42	42.50	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	1,492.83	2,200.31	707.48	1,492.83	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

Preserve	Fee , Easements and Other			Fee Acreage			Easements on Private Land			Easements on Public Land			Lease and Management	Contribution Only	Other Interest
	Dedicated Acres	Undedicated Acres	Total Acres	Dedicated	Undedicated	Intended	Dedicated	Undedicated	Intended	Dedicated	Undedicated	Intended			
<b>All Preserves</b>	41,178.31	23,846.33	65,024.65	38,333.75	21,236.59	4,271.69	1,817.56	500.20	46.35	929.00	6.82	0.00	773.35	1,391.12	36.26

**Note: Excludes acreage where "Interest Held By Other"**