



Midpeninsula Regional
Open Space District

R-21-43
Meeting 21-10
March 24, 2021

AGENDA ITEM 5

AGENDA ITEM

Consideration of an agreement for the exchange of easement interests in dedicated real property between the Glass-Dooley Family (San Mateo County APN 078-260-030) and the Midpeninsula Regional Open Space District (San Mateo County APN(s) 078-260-020, -070 & 078-280-110) at La Honda Creek Open Space Preserve

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. By a unanimous vote of the Board of Directors, adopt a resolution authorizing the agreement to exchange interests in dedicated real property at no cost between the Midpeninsula Regional Open Space District (receiving access and waterline easement) and Glass-Dooley Family (receiving access and waterline easement).
3. Identify the La Honda Creek Open Space Preserve Master Plan as the use and management plan for the lands received in the exchanged interests in real property.
4. Withhold dedication of the received property interest as public open space at this time.

SUMMARY

The General Manager recommends entering into an agreement with the Glass-Dooley Family (Glass-Dooley) to exchange easement rights that provide net benefits to both parties. The exchange will perfect the use of existing access road and water infrastructure. This exchange of easement rights will be at no cost to the Midpeninsula Regional Open Space District (District) or Glass-Dooley. The following report presents a description of the proposed exchange in real property interests, provisions for use and management under the La Honda Creek Open Space Preserve Master Plan, the environmental review findings, and terms.

DISCUSSION

Background

The District purchased the former 1,098-acre McDonald Ranch property that surrounds the Glass-Dooley property on two sides as an addition to the La Honda Creek Open Space Preserve (Preserve) in 1990 (R-90-37). The District dedicated the property as public open space in 1995. Upon dedication as public open space, the property effectively becomes permanently protected,

and the District is restricted in its ability to sell or otherwise convey dedicated properties. However, state law and the District Policy for Dedication of District Lands empower the Board of Directors (Board), by unanimous vote, to exchange property interests if the property interest received in the exchange is determined to be of equal or greater value to the District and the public it serves. The use of the spring on the former McDonald Ranch (now referred to as the Lone Madrone Area of the Preserve) by Glass-Dooley and the use of a road and bridge crossing by the District to access the former McDonald Ranch through Glass-Dooley have been long-standing uses since the District's McDonald Ranch purchase. Recent upgrades to the pipelines from the spring in the Preserve has led to the need to formalize easement rights by both parties for both the access road and the pipelines.

Water Pipelines:

The District and Glass-Dooley have access to water via a shared spring and pipeline located on District property (Attachment 2). Rights to use this spring water are identified in the 1993 Water Decree for the San Gregorio Creek Stream System (1993 Decree). Glass-Dooley uses the spring water as the main source of water for their residence, and the District uses it for its residence and cattle grazing operation. Although both the District and Glass-Dooley possess water rights under the 1993 Decree, there are no formal spring or pipeline easements in place for the use of this water. Under the exchange agreement, both parties would formalize easement rights to access the spring and existing water pipelines.

Access Roads:

An existing road originates off Highway 84 through the Preserve's LH06 gate and traverses the District and the Glass-Dooley property (Attachment 2). The road is used to access the spring and existing water pipelines and serves as the main access to the vehicle bridge crossing La Honda Creek to reach the former McDonald Ranch area of the Preserve west of the creek. The District uses the access road over the Glass-Dooley property for spring and waterline access, patrol and maintenance access, and access for the District's grazing operator on the Preserve. Under the exchange agreement, both parties would formalize easement rights for the access road.

Descriptions of Exchange Properties

Glass-Dooley to District: Under the Agreement, Glass-Dooley would grant a 50-foot wide access easement to the District over the existing road for general access (no public access), patrol, maintenance, and to facilitate the movement of cattle on and off areas leased for grazing in the Preserve. The District would be responsible for the maintenance of the access road. In addition, Glass-Dooley would grant a 20-foot wide easement to the District for an existing water pipeline that crosses the Glass-Dooley property. The District would be responsible for the maintenance of the water pipeline.

District to Glass-Dooley: Under the Agreement, the District would grant a 50-foot wide access easement to Glass-Dooley over the existing road within the Preserve for access to the spring and water pipeline. In addition, the District would grant a 20-foot wide pipeline easement to Glass-Dooley for the shared water pipeline that crosses the Preserve. The easement would allocate 75% of the maintenance and repair for the shared waterline cost to the District, and 25% of the cost to Glass-Dooley for any expenses over \$4,000. For any repairs/maintenance issues under \$4,000, the District would cover 100% of the costs.

Under the proposed exchange agreement, the easements granted to Glass-Dooley are greater in area than the easements received by the District. However, the value of the easements received by the District is equal to or greater than the Glass-Dooley easements, as the level of use of the District access easement over the Glass-Dooley property is greater. Therefore, the Agreement to exchange interests in real property is determined to be of equal or greater value to the District and the public it serves.

USE AND MANAGEMENT

La Honda Creek Open Space Preserve Master Plan

A Master Plan for La Honda Creek Preserve was adopted by the District in 2012 and included the former McDonald Ranch property, now referred to as the Lone Madrone area of the Preserve. The Preserve Master Plan is intended to be the guiding document when considering use and management decisions in a Preserve, including perfecting of uses and rights already established. The agreement to exchange easements formalizes the use of the road and water system shared by the District and Glass-Dooley already established when the Preserve Plan was adopted and results in no change in existing conditions. The Preserve Master Plan is identified as the use and management plan for the easements, with the following minor additions:

Name:	Designate the access and water pipeline easements granted to the District as an addition to La Honda Creek Open Space Preserve.
Public Access:	No public access is allowed on the access and water pipeline easements granted to the District.
Roads and Trails	Maintain access road as part of Preserve's internal road system per Best Management Practices identified in the La Honda Creek Preserve Master Plan to reduce the potential for erosion and sedimentation and per terms of the easement.
Water Infrastructure:	Maintain the water pipeline per terms of the easement.
Signs and Site Security:	Install boundary delineation markers and signs in the easement area as needed.
Patrol:	Routinely patrol easements as part of the Preserve.
Easement Monitoring:	Conduct regular inspections of the access road and water pipeline easements to access condition of the road and waterline improvements and to ensure compliance with the terms of the exchange.
Dedication:	Withhold dedication of the access road and water pipeline easements as permanent open space at this time.

CEQA COMPLIANCE

Project Description

The project consists of an Agreement to exchange interests in real property between Glass-Dooley and the District as permitted under Public Resources Section 5540.5 and the District's Policy for the Dedication of District Lands. Per the terms and conditions of the Agreement, the District will convey an access and water pipeline easement over dedicated land at the Preserve to

Glass-Dooley to perfect rights to the existing shared spring as defined in the 1993 Water Decree for the San Gregorio Creek Stream System. In exchange, Glass-Dooley will convey to the District an access easement and water pipeline easement to perfect rights to the existing spring water system and existing access road. The exchange of easements results in no change in the existing uses or site conditions identified in the La Honda Creek Open Space Preserve Master Plan Final Environmental Impact Report, certified in 2012, and require no additional mitigation.

CEQA Determination

The District concludes that the easement exchange will not have a significant impact on the environment. The project is categorically exempt from the California Environmental Quality Act (CEQA) under Article 19, Section 15325 (f): acquisition, sale, or other transfer to preserve open space or lands for park purposes. The easement exchange is a transfer of interests that serves park purposes and preserves existing uses and will not result in an impact on the environment.

TERMS AND CONDITIONS

As part of the proposed Agreement, the District and Glass-Dooley agree to convey the easements to each other at no cost to either party. The access and waterline easements offered to the District in the easement exchange is of equal or greater value to the District and the public it serves as the Glass-Dooley access and waterline easements granted by the District. Therefore, the exchange is determined to be in accordance with the District's enabling legislation set out in Section 5540.5, pending unanimous vote by the Board.

FISCAL IMPACT

This reciprocal no-cost exchange of easements has no immediate fiscal impact. The only costs incurred by the District will be for survey work, escrow services and title insurance, estimated to be no more than \$15,000.

The maintenance and repair for the shared waterline would be allocated with 75% of the cost on the District, and 25% of the cost on Glass-Dooley for any expenses over \$4,000. For any repairs/maintenance issues under \$4,000, the District would cover 100% of the costs. The District would be responsible for the maintenance of the access road.

BOARD AND COMMITTEE REVIEW

This item was not previously reviewed by a Board Committee.

PUBLIC NOTICE

Property owners of land located adjacent to or surrounding the project site have been mailed a copy of the agenda for this meeting. Accordingly, all notice required by the Brown Act and District policy has been provided.

NEXT STEPS

Upon approval by the Board, the General Manager will fully execute and record the documents associated with the property exchange, and take the next steps identified in the Use and

Management Plan. The District's Skyline Field Office will oversee the water system and access easements.

Attachments:

1. Resolution Authorizing Acceptance of Easement Exchange Agreement, Authorizing General Manager or Other Officer to Execute Easement Deeds to Glass-Dooley, Authorizing General Manager or Officer to execute Certificate of Acceptance of Grant to District, and Authorizing General Manager and General Counsel to Execute any and all other documents necessary or appropriate to closing of the transaction (La Honda Creek Open Space Preserve)
2. Overall Project Location Map

Responsible Department Manager:
Michael Williams, Real Property Manager

Prepared by:
Allen Ishibashi, Sr. Real Property Agent

Graphics prepared by:
Francisco Lopez Tapia, GIS Technician

RESOLUTION NO. 21-__

RESOLUTION OF THE BOARD OF DIRECTORS OF THE MIDPENINSULA REGIONAL OPEN SPACE DISTRICT AUTHORIZING ACCEPTANCE OF EASEMENT EXCHANGE AGREEMENT, AUTHORIZING GENERAL MANAGER OR OTHER OFFICER TO EXECUTE EASEMENT DEEDS TO GLASS-DOOLEY, AUTHORIZING GENERAL MANAGER OR OTHER OFFICER TO EXECUTE CERTIFICATE OF ACCEPTANCE OF GRANT TO DISTRICT, AUTHORIZING GENERAL MANAGER AND GENERAL COUNSEL TO EXECUTE ANY AND ALL OTHER DOCUMENTS NECESSARY OR APPROPRIATE TO CLOSING OF THE TRANSACTION (LA HONDA CREEK OPEN SPACE PRESERVE).

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) finds and determines that, pursuant to Section 5540.5 of the California Public Resources Code, the exchange of easement interests with the Glass-Dooley Family (Glass-Dooley) is consistent with Public Resources Code 5540.5, and that the real properties being acquired by the District are of equal or greater value than the real property being transferred to Glass-Dooley, and are necessary to be acquired for open space purposes.

SECTION TWO. The Board of Directors does hereby accept the offer contained in that certain Easement Exchange Agreement (Agreement) between Glass-Dooley and the District, a copy of which 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 and exchange the real property described therein.

SECTION THREE. The General Manager, President of the Board of Directors, or other appropriate officer is authorized to execute the easement deeds between the District and Glass-Dooley.

SECTION FOUR. The General Manager, President of the Board of Directors, or other appropriate officer is authorized to execute a Certificate of Acceptance for the easement to the District.

SECTION FIVE. The General Manager or the General Manager's designee is authorized to provide notice of acceptance to the Glass-Dooley, execute all title and escrow documents, and to extend escrow if necessary.

SECTION SIX. 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 _____, 2021, at a regular meeting thereof, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

ATTEST:

APPROVED:

Larry Hassett, Secretary
Board of Directors

Curt Riffle, President
Board of Directors

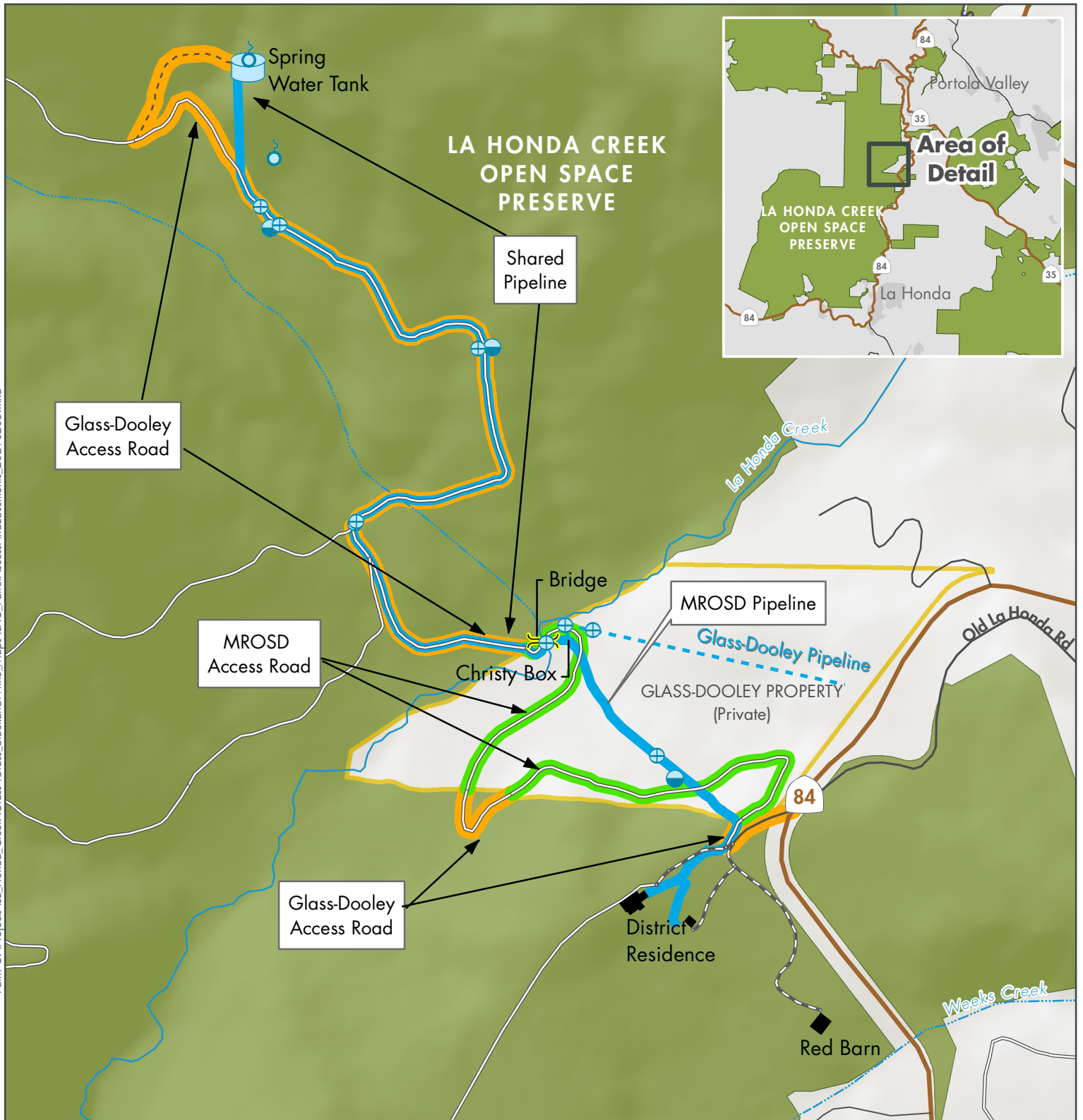
APPROVED AS TO FORM:

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

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Glass-Dooley/MROSD Easement Exchange

- | | | |
|---|---|--|
| MROSD Property | Paved Road | Spring |
| Glass-Dooley Property Boundary | Unpaved All-Season Road | Water Tank |
| Bridge | Unpaved Seasonal Road | Water Valve |
| | Trail | Water Trough |
| | Glass-Dooley Access Road | Active Water Line (Private) |
| | MROSD Access Road | |

Midpeninsula Regional
Open Space District
(MROSD)
February 2021



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