



Midpeninsula Regional
Open Space District

R-23-122
Meeting 23-30
October 25, 2023

AGENDA ITEM 5

AGENDA ITEM

Approve an Agreement to Exchange Interests in Real Property between Colleen H. Garratt (Garratt) and Midpeninsula Regional Open Space District (District). District to receive a public trail easement along a portion of Skyline Trail traversing the Garratt property (San Mateo County APN 072-271-150) before crossing through Teague Hill Open Space Preserve (San Mateo County APN 072-290-100) in exchange for District quitclaiming an unused access easement over the Garratt property.

GENERAL MANAGER'S RECOMMENDATIONS

A handwritten signature in black ink, appearing to read "dew".

1. Determine that the recommended actions are categorically exempt from the California Environmental Quality Act (CEQA), as set out in the report.
2. By a unanimous vote of the Board of Directors, adopt a resolution authorizing the General Manager or other appropriate officer to execute the Agreement to Exchange Interests in Real Property between the District and Garratt, the easements and deeds referenced therein and related documents.
3. Amend the Use and Management Plan for Teague Hill Open Space Preserve to include the public trail easement to be acquired by the District.
4. Withhold dedication of the public trail easement to be acquired by the District as public open space at this time.

SUMMARY

The General Manager recommends entering into an Agreement to Exchange Interests in Real Property (Exchange Agreement) with Garratt for an exchange of easement rights that provides net benefits to both parties. The exchange will perfect the rights to an existing public trail on a portion of the Skyline Trail adjacent to Teague Hill Open Space Preserve (Preserve) as the trail currently crosses through the Garratt property via a 1950 California Riding and Hiking Trail Easement that does not define the precise location of the easement and has somewhat questionable vesting. In exchange, the District will quitclaim its 40-foot-wide unutilized access road easement, which traverses the Garratt property upon which no road is currently built (Attachment 2). This exchange of easement rights is at no cost to the District. The following report presents a description of the proposed exchange in real property interests, an amendment

to the Preserve Use and Management Plan, the environmental review findings, and terms. The Exchange Agreement has no immediate fiscal impact.

DISCUSSION

Background

Garratt owns the improved 2001 Kings Mountain Road property (Property) in the Town of Woodside adjacent to the Preserve and is seeking to remove a 40-foot-wide easement owned by the District for ingress, egress, and the installation of public utilities over the Property (District Easement). The District Easement, which is appurtenant to, or runs with, the land, was originally granted to the Willen Corporation (Willen Corp) and came under District ownership when the property was purchased from Willen Corp in June 1988.

The District purchased the 623.76-acre property that is adjacent to Garratt in two separate transactions, both occurring in 1988. The District first acquired a 63.158% interest in the property from Willen Corp on June 17, 1988 (R-88-59). The District then acquired the remaining 36.842% interest from Block Bros Industries (U.S.A.), Inc. (Block Bros), on July 29, 1988 (R-88-87). Through these two acquisitions, the District protected in perpetuity a large portion of the Town of Woodside's scenic backdrop, provided for local trail connections to the Bay Area Ridge Trail, and formed the majority of Teague Hill Open Space Preserve. The District Easement through the Garratt Property has not been activated, developed, or used since purchasing the property from Willen Corp in 1988. There is also no future intent or purpose for using the District Easement.

The former Willen Corp/Block Bros property was formally dedicated as open space on December 20, 2000 (R-00-160). Upon dedication as public open space, a property effectively becomes permanently protected, and the District restricts its ability to sell or otherwise convey any real property rights on, under or over the dedicated property. California Public Resources Code section 5540.5 ("Section 5540.5") empowers the Board of Directors (Board), by unanimous vote of all seven members, to approve an exchange of real property rights on dedicated open space property when the Board determines the exchange to be of equal or greater value and necessary for park or open space purposes. Such exchanges are limited to 40 acres per calendar year. This transaction is such an exchange, as the value of securing and protecting current public access over an existing segment of the Skyline Trail is significant, and the easement to be conveyed to the District by Garratt will be used for park purposes. Furthermore, the proposed property exchange will not result in the District exceeding the 40-acre per year exchange limit.

The California Riding and Hiking Trail (CRHT) easement (the District Easement through the Garratt Property) allows for hiking and equestrian use over the Property, but its precise easement location is not specific or clear. In addition, the County of San Mateo is somewhat unsure of the legality of the easement because of the timing and conditions of the original CHRT grant.

In spring of 2021, the County of San Mateo flagged the removal of the 40-foot-wide District Easement as part of a permit to subdivide the Garratt property for single family residences. Garratt contacted the District requesting abandonment of the District Easement through their Property. In spring of 2023, District staff, Garratt, and Garratt's surveyor visited the Property to

walk the District Easement and the portion of Skyline Trail on the Property. The District Easement begins adjacent to the County road right-of-way for Kings Mountain Road. It then heads in a southeast direction through mostly undeveloped land (it does cross the existing gravel driveway twice) until it runs adjacent to the Property's southern boundary. The District Easement also runs under a house on the Property. After ground-truthing the District Easement's location, lack of use, and lack of future use, the District proposed an easement exchange in which the District would quitclaim the unused District Easement in exchange for a public trail easement over the portion of the Skyline Trail crossing the Garratt Property. The public trail easement would be fifty (50) feet wide and appurtenant to the District's Teague Hill Open Space Preserve.

Descriptions of Exchange Properties

Garratt to District: Under the Agreement, Garratt would convey a 50-foot-wide public trail easement to the District over a portion of the 2001 Kings Mountain Road property that the existing Skyline Trail crosses (approximately 1,019 linear feet and 1.14 acres, or 49,780 square feet).

District to Garratt: Under the Agreement, the District would quitclaim an access easement for the purposes of ingress, egress, and for the installation of public utilities and a roadway over the Garratt Property. The access easement contains approximately 1.73 acres, or 75,185 square feet of area.

USE AND MANAGEMENT

Amendment of Use and Management Plan

In December 2000, the Board dedicated the Willen Corp/Block Bros property (R-00-160). The proposed exchange of interests in real property requires an Amendment to the Use and Management Plan for the subject property that is a part of Teague Hill Open Space Preserve. Amendment of the Use and Management Plan to incorporate the easement exchange with Garratt would take effect at the close of the transaction and remain effective until further amended. The proposed amendments to the Use and Management Plan are shown in underlined text below and includes the following elements:

Name:	Designate the trail easement acquired as an addition to Teague Hill Open Space Preserve.
Dedication:	Withhold Board dedication of the public trail easement at this time.
Signs and Site Security:	Install private property and preserve boundary signs where appropriate.
Fences and Gates:	To be placed at appropriate entries to prevent illegal vehicle access.
<u>Public Access:</u>	<u>Public uses allowed on the existing Skyline Trail within the trail easement will continue (hiking and equestrian use only) under the management of San Mateo County Parks. Bicycle use on the Skyline</u>

Trail will be evaluated at a future date in coordination with San Mateo County Parks.

Easement
Monitoring:

Conduct regular inspections of the easement area to ensure compliance with the terms of the exchange.

Subsequent
Planning:

Subsequent planning of the regional trails network in this area is envisioned to connect the Bay Area Ridge Trail from Purisima Creek Redwoods Open Space Preserve to Huddart Park, private properties through easements, Teague Hill Open Space Preserve, California Water Service Company lands, and terminate (at present) in El Corte de Madera Creek Open Space Preserve. Coordinate with the County of San Mateo Parks and Recreation Department on regional trail connections and proposed changes to trail use designations for the Skyline Trail.

CEQA COMPLIANCE

Project Description

The project consists of an Agreement to exchange interests in real property between Garratt and the District as permitted under Section 5540.5. Per the terms and conditions of the Agreement, the District will quitclaim an access easement totaling approximately 1.73 acres, or 75,185 square feet at Teague Hill Open Space Preserve to Garratt. In exchange, Garratt will convey to the District trail access rights over Skyline Trail totaling approximately 1.14 acres, or 49,780 square feet over a portion of property at 2001 Kings Mountain Road Property in the Town of Woodside. The easement to be conveyed to the District is of equal or greater value and will be used for park purposes.

CEQA Determination

The District concludes that the project will not have a significant impact on the environment. The project is categorically exempt from the California Environmental Quality Act (CEQA) under Article 19, Sections 15301 and 15325 (f). Section 15301 exempts the operation, repair, maintenance, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of existing or former use. Section 15325 (f) exempts the acquisition, sale, or other transfer to preserve open space or lands for park purposes. The easement exchange preserves the existing trail use and is a transfer of a land for open space or park purposes.

TERMS AND CONDITIONS

As part of the proposed Agreement, the District and Garratt agree to convey the property interests to each other at no cost to either party. The easement exchange is of equal or greater value to the District and the public it serves as it perfects and secures the current public trail access over Skyline Trail. 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.

In addition, the trail easement will allow the District to transfer the easement to San Mateo County Parks.

FISCAL IMPACT

This reciprocal, no-cost exchange of easements has no immediate fiscal impact.

PRIOR BOARD COMMITTEE REVIEW

None

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 of Directors, the General Manager will execute the Exchange Agreement, Trail Easement and Quitclaim Deed, and staff will record the Trail Easement and Quitclaim Deed with the County of San Mateo.

Attachments:

1. Resolution Authorizing Acceptance of Exchange Agreement, Authorizing General Manager or Other Officer to Execute Easement and Quitclaim Deeds, Authorizing General Manager or Other Officer to Execute Certificate of Acceptance of Grant to District, Authorizing General Manager and General Counsel to Approve Minor Technical Amendments to the Foregoing Documents (Teague Hill Open Space Preserve)
2. Overall Project Location Map

Responsible Department Manager:

Allen Ishibashi, Real Property Manager, Real Property Department

Prepared by:

Jasmine Leong, Real Property Specialist I, Real Property Department

Graphics prepared by:

Anna Costanza, GIS Technician, Information Systems & Technology Department

RESOLUTION NO. 23-__

RESOLUTION OF THE BOARD OF DIRECTORS OF THE MIDPENINSULA REGIONAL OPEN SPACE DISTRICT AUTHORIZING EXECUTION OF EXCHANGE AGREEMENT, AUTHORIZING GENERAL MANAGER OR OTHER OFFICER TO EXECUTE EASEMENT AND QUITCLAIM DEEDS, AUTHORIZING GENERAL MANAGER OR OTHER OFFICER TO EXECUTE CERTIFICATE OF ACCEPTANCE OF GRANT TO DISTRICT, AND AUTHORIZING GENERAL MANAGER AND GENERAL COUNSEL TO APPROVE TECHNICAL REVISIONS TO FOREGOING DOCUMENTS (TEAGUE HILL 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) does hereby accept the offer contained in that certain Exchange Agreement (Agreement) between Colleen H. Garratt (Garratt) 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 TWO. The General Manager, President of the Board of Directors, or other appropriate officer is authorized to execute the easement and quitclaim deeds to the District and Garratt, respectively.

SECTION THREE. 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 and provide notice of acceptance to Garratt.

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.

SECTION FIVE. The Board of Directors finds and determines that, pursuant to Section 5540.5 of the California Public Resources Code, the exchange of the easements is consistent with Public Resources Code 5540.5. The real property interests being acquired by the District are of equal or greater value than the real property interests being transferred to Garratt, and are necessary to be acquired for park and open space purposes.

* * * * *

PASSED AND ADOPTED by the Board of Directors of the Midpeninsula Regional Open Space District on _____, 2023, at a regular meeting thereof, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

ATTEST:

APPROVED:

Craig Gleason, Secretary
Board of Directors

Yoriko Kishimoto, President
Board of Directors

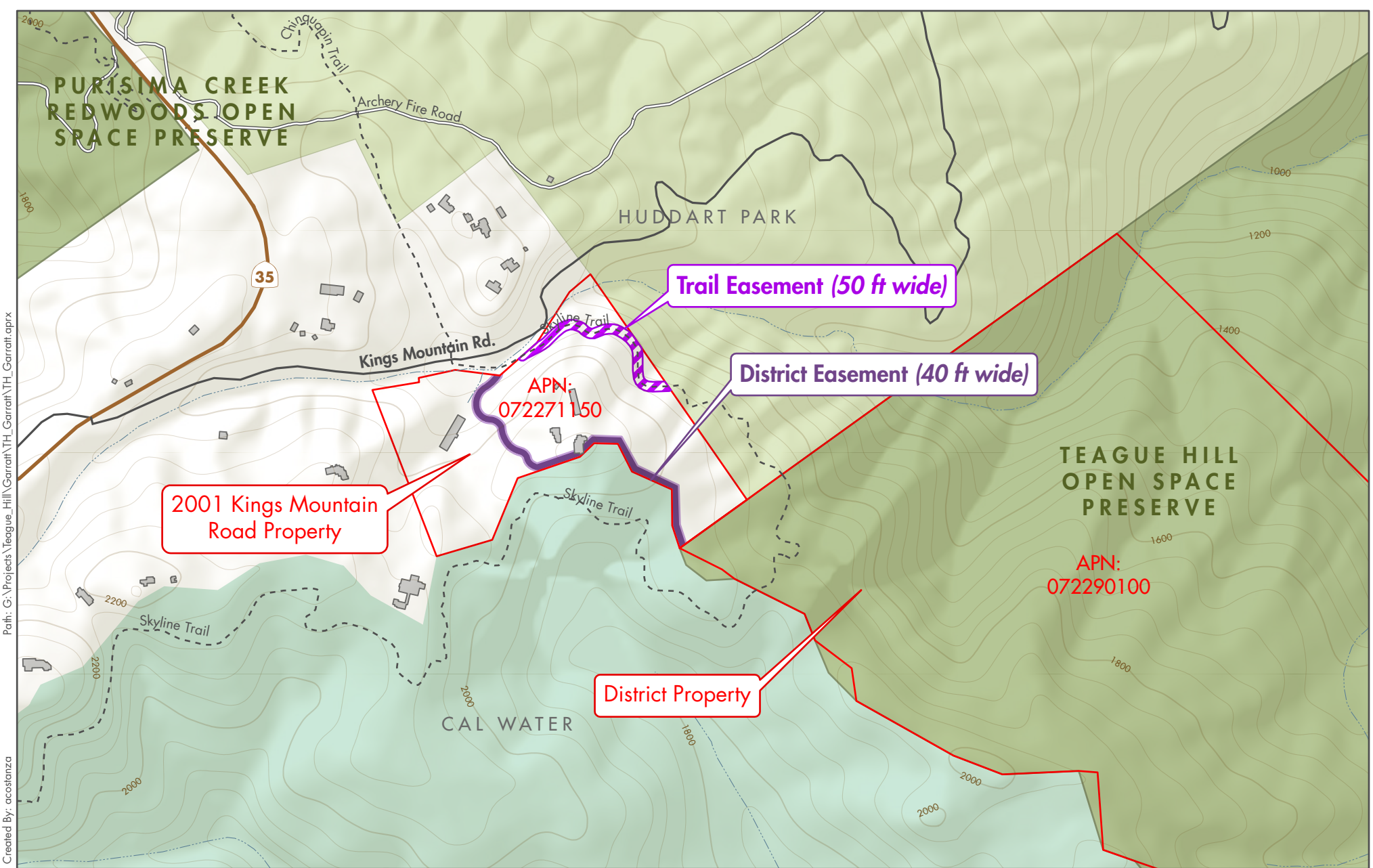
APPROVED AS TO FORM:

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.

Maria Soria, District Clerk

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Created By: acostanza

Exhibit A

- | | | |
|---|--|--|
|  Midpen preserves |  Trail |  District easement |
|  Other protected lands |  Paved road |  Trail easement |
|  Private property |  Unpaved road |  Structure |
|  Watershed land | | |

Midpeninsula Regional
Open Space District
(Midpen)
7/25/2023



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.