



Midpeninsula Regional  
Open Space District

R-11-12  
Meeting 11-02  
January 26, 2011

## **AGENDA ITEM 4**

### **AGENDA ITEM**

Annual Dedication of Certain District Lands and Dedication Status Report

### **GENERAL MANAGER'S RECOMMENDATION**

Adopt the attached Resolution dedicating interests in certain specified District lands for public open space purposes.

### **SUMMARY**

Once each year, the Midpeninsula Regional Open Space District (District) selects certain properties and interests in land for dedication. Dedicated properties are, in effect, permanently protected. By so doing, the District voluntarily eliminates its ability to sell or otherwise convey those properties without voter consent, except under very narrow circumstances. These narrow statutory exceptions permit exchanges of dedicated land of equal or greater open space value not exceeding 40 acres in a calendar year, and the transfer of land to another government agency on condition that the land continue to be protected as open space in perpetuity. Of the 59,216 acres preserved by the District, 2,045 acres include property rights that prevent these lands from being dedicated, such as leases and management agreements, leaving 57,171 acres of marketable interests in land. Of this amount, 37,502 acres (66%) are dedicated and 19,669 acres (34%) are undedicated. Upon adoption of the attached resolution dedicating approximately 1,118 additional acres as recommended in this report, 38,620 acres (68%) of marketable acres will be dedicated and 18,551 acres (32%) will be undedicated.

### **DISCUSSION**

The distinction between dedicated and undedicated District land is best understood in the context of the District's enabling legislation, Public Resources Code Section 5540, which provides in part that "A district may not validly convey any interest in real property actually dedicated and used for park or open space, or both, purposes without the consent of a majority of voters..."

Since the District's formation, its Board of Directors has, by adopted policy, followed the practice of expressly dedicating lands for open space purposes on an annual basis by Board resolution after receipt of an evaluation of the suitability of the lands for dedication at that time. Retaining certain lands in undedicated status affords maximum flexibility to proactively preserve threatened open space resources, negotiate real estate transactions, resolve encroachments and boundary disputes, undertake preserve planning, and enter into government funding partnerships.

In this way, the District preserves its creative ability to acquire land and assemble open space preserves in a manner that best serves the public, while avoiding unnecessary waste of public tax dollars.

In accordance with the Board's Dedicated Lands Policy as last amended January 22, 1986 (see Report R-86-03), "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 possible changes in configuration, which may involve the disposal or exchange of interests in all or portions of such lands, have been completed."

Per the Dedicated Lands Policy, an Annual Report indicating the status of District lands as dedicated or undedicated is to be presented in December or January of each year, and formal dedications are made by the Board of Directors based on the recommendations put forth in the annual report.

During the year, the Board's use and management planning process for each specific parcel or preserve includes a determination whether to indicate an intention to dedicate certain interests in land, such as fee title or easements. Note that although a motion of intent to dedicate might be adopted when the Preliminary Use and Management Plan for a new land purchase is approved, this does not mean that the property would necessarily be dedicated the following December, because it is usually prudent to wait until the Master Plan or Comprehensive Use and Management Plan for the entire Preserve is adopted or reviewed. Another factor to consider is whether a partner granting agency, such as the California Coastal Conservancy, has required the District to dedicate a grant funded property as a condition of a grant.

### **Dedication Status Summary**

The attached Dedication Status Summary Report gives a summary of the current dedication status of District preserves. Only those parcels for which transactions have closed escrow and title has passed to the District on or before December 31, 2010 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 District holds interests in 59,216 acres of land; made up of 54,350 acres in fee, and 4,866 acres in lesser interests. The District added 980 acres in fee and 252 acres of lesser interests since November 11, 2009.

### **Recommended Dedications (see maps)**

The recommended dedications are a result of staff's site-specific analysis of issues, such as planning status, use, appropriate preserve boundary configuration, access and other relevant factors. As a result of this analysis, staff has concluded that it is appropriate to dedicate the following lands:

#### **Bear Creek Redwoods Open Space Preserve (OSP)**

With the recent purchase of the Holmes property, the lands suitable for open space conservation in the upper reaches of this preserve have been secured. The balance of the preserve is dedicated, with the exception of the former Hunt property which may need future lot reconfiguration. The former Presentation Center property south of Highway 35 in Santa Cruz County was purchased with Coastal Conservancy assistance, and is subject to an offer to dedicate in the Conservancy's favor. Thus, staff recommends dedicating 135 acres of Bear

Creek Redwoods OSP, leaving only the Hunt property and several minor interests undedicated.

**Coal Creek Open Space Preserve**

As part of the MacFarlane/Beckey (Fogarty) settlement negotiations, the District agreed to dedicate this five acre parcel formerly held under conservation easement by the Peninsula Open Space Trust. Now that the lot line adjustment is complete, dedication is appropriate.

**Sierra Azul Open Space Preserve**

The dedicated lands in Sierra Azul OSP are primarily located in the Kennedy-Limekiln Area. In 2008, the District purchased the former Beatty property as an addition to the Kennedy-Limekiln Area with funding assistance from the Santa Clara County Parks Charter Fund. Santa Clara County holds a conservation easement on the property. Moreover, the former Beatty property is surrounded on three sides by public land managed as Lexington County Park, and on the other side by the San Jose Water Company lands. For all these reasons, dedication is appropriate.

With the December 2010 purchases of the former Price and Eagle View properties, lands suitable for conservation in the lower Cathedral Oaks Area have been secured. Virtually all the land in the area is owned by the District or San Jose Water Company, with the exception of two small inholdings. Accordingly, staff recommends dedicating most of the District land in the area. Staff also recommends continuing to withhold the former Cothran and Hubenette properties to allow for encroachment resolution, staging area planning flexibility, and time to obtain the remaining fractional property interest.

**Recommendations for Later Dedication**

The majority of the District's undedicated land falls within the two open space preserves: 3,758 acres at La Honda Creek Open Space Preserve, and 13,064 acres at Sierra Azul Open Space Preserve (not including the 978 acres at Sierra Azul OSP recommended for dedication this year). Master Plans for these preserves were underway, but are now deferred. The Mt. Umunhum cleanup and public access project could potentially affect dedication preferences in the Mt. Umunhum Area of Sierra Azul OSP. Staff recommends deferring the remaining dedications until the timing of the preserve master plans has been clarified and until the Mt. Umunhum project is further developed.

**FISCAL IMPACT**

There are no costs associated with dedication.

**PUBLIC NOTICE**

Notice was provided pursuant to the Brown Act. No additional notice is necessary.

**CEQA COMPLIANCE**

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

**NEXT STEPS**

None

Attachments

1. Resolution
2. Dedication Status Summary Report
3. Maps

Prepared by:

Sandy Sommer, Senior Real Property Planner

Contact person: Same as above

Graphics prepared by: Alex Roa, GIS Intern, Technician

**RESOLUTION NO. 11-XX**

**RESOLUTION OF THE BOARD OF DIRECTORS OF THE MIDPENINSULA  
REGIONAL OPEN SPACE DISTRICT DEDICATING INTERESTS IN CERTAIN  
DISTRICT LANDS FOR PUBLIC OPEN SPACE PURPOSES**

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

Pursuant to Resolution No. 86-6, the Board of Directors does hereby dedicate for public open space purposes (pursuant to Public Resources Code Section 5540) the interests in land held by the District shown herein, except for density credits on such lands, if any.

<b>Open Space Preserve</b>	<b>Grantor</b>	<b>Board Approval Date</b>	<b>Closing Date</b>	<b>Acreage</b>	<b>Property Interest</b>
Bear Creek Redwoods	Holmes, Mildred	11/10/2010	11/18/2010	86.00	Fee
Bear Creek Redwoods	Presentation Center	7/9/2003	8/7/2003	48.99	Fee
Bear Creek Redwoods	Sampson, P.	11/17/2008	11/18/2008	0.20	Fee
Coal Creek	MacFarlane / Beckey	2/28/2007	3/31/2010	5.07	Fee
Sierra Azul, Kennedy-Limekiln Area	Beatty Trust	1/16/2008	4/18/2008	56.88	Fee
Sierra Azul, Cathedral Oaks Area	Bean	11/8/1988	11/17/1988	40.00	Fee
Sierra Azul, Cathedral Oaks Area	Boehm	9/24/2003	10/31/2003	39.29	Fee
Sierra Azul, Cathedral Oaks Area	Curto	8/25/2004	9/30/2004	160.00	Fee
Sierra Azul, Cathedral Oaks Area	Della Maggiore	1/16/2008	9/26/2008	1.00	Fee
Sierra Azul, Cathedral Oaks Area	Distefano	7/12/1989	7/27/1989	41.79	Fee
Sierra Azul, Cathedral Oaks Area	Eagleview	12/8/2010	12/28/2010	80.00	Fee
Sierra Azul, Cathedral Oaks Area	Faucher	6/10/1998	8/14/1998	83.52	Fee
Sierra Azul, Cathedral Oaks Area	Fidelity National Title	3/25/1987	2/21/1989	78.00	Fee
Sierra Azul, Cathedral Oaks Area	General Convention	6/14/2000	8/31/2000	161.70	Fee
Sierra Azul, Cathedral Oaks Area	Price	12/8/2010	12/30/2010	24.00	Fee
Sierra Azul, Cathedral Oaks Area	Santa Clara Co. (Laine)	8/12/2009	2/25/2010	41.70	Fee
Sierra Azul, Cathedral Oaks Area	Sardi	10/14/1998	11/13/1998	13.10	Fee
Sierra Azul, Cathedral Oaks Area	Secret Springs Water Co.	7/8/1987	8/7/1987	114.95	Fee
Sierra Azul, Cathedral Oaks Area	Williams	8/9/2000	9/15/2000	41.75	Fee
<b>TOTAL</b>				<b>1,117.94</b>	

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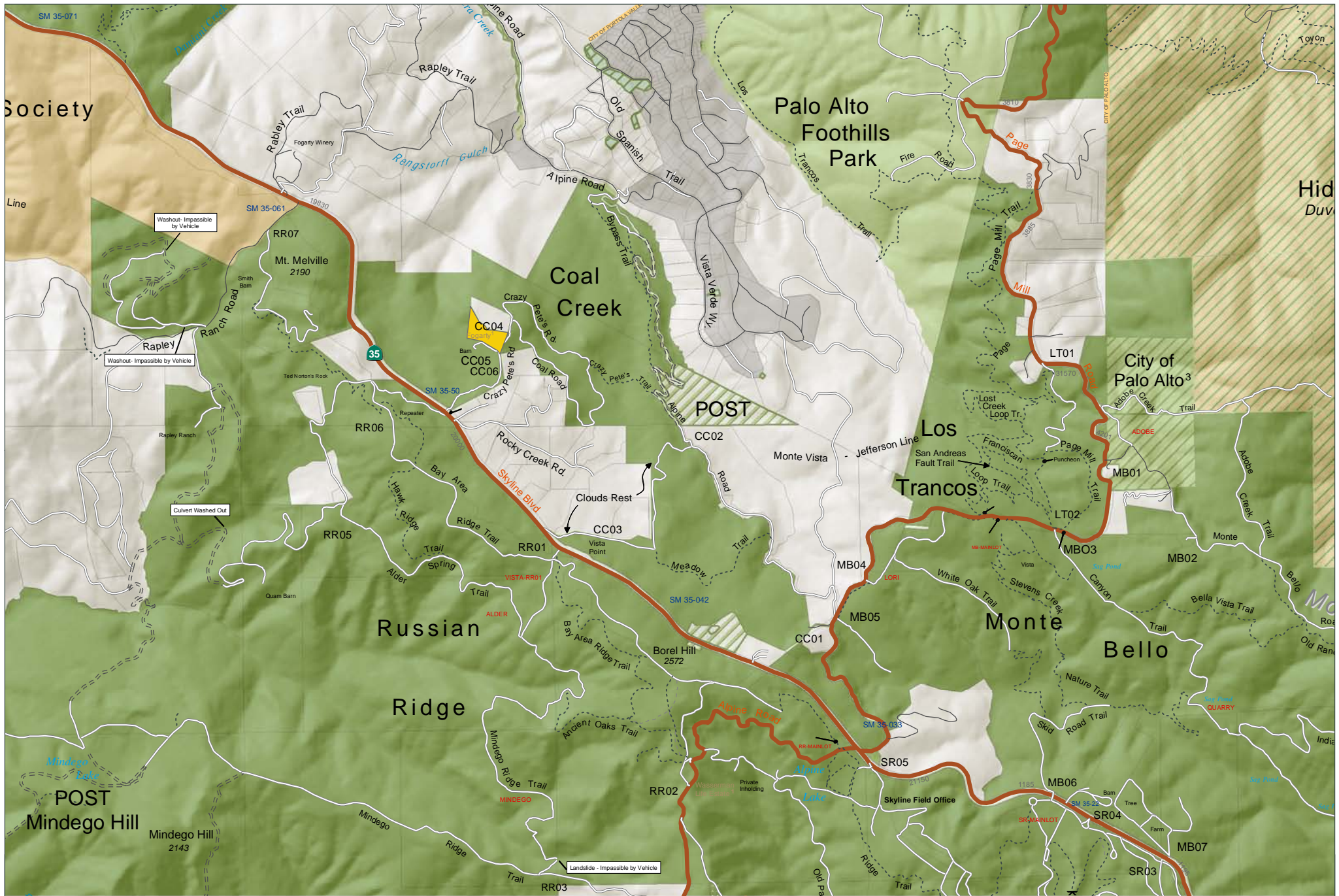
# Dedication Status Summary Report

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	1,219.96	211.73	1,431.69	1,219.96	209.80	209.49	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	502.11	6.27	508.38	502.11	5.07	5.07	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	2,812.79	3.80	2,816.59	2,812.79	3.80	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
El Sereno	1,392.95	21.67	1,414.62	1,392.83	20.63	0.00	0.12	0.35	0.00	0.00	0.00	0.00	0.00	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	4.00	739.09	735.09	0.00	0.00	0.00	4.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
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	2,001.74	3,757.91	5,759.65	2,001.57	3,757.91	3,690.70	0.17	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Long Ridge	1,941.56	93.13	2,034.69	1,928.41	39.79	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	160.00	1,151.63	991.63	160.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Monte Bello	3,030.40	193.07	3,223.47	3,030.40	73.90	0.00	0.00	24.90	24.90	0.00	0.00	0.00	85.37	0.00	8.90

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
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	3,272.23	1,139.22	4,411.45	3,272.23	1,139.12	534.15	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.10
Rancho San Antonio	3,693.89	166.70	3,860.59	2,178.53	1.20	0.00	1,515.36	0.50	0.00	0.00	0.00	0.00	165.00	0.00	0.00
Ravenswood	371.67	1.45	373.12	273.67	0.00	0.00	0.00	1.45	0.00	0.00	0.00	0.00	98.00	0.00	0.00
Russian Ridge	2,915.83	221.69	3,137.52	2,915.83	118.19	0.39	0.00	0.00	0.00	0.00	0.00	0.00	97.50	0.00	6.00
Saratoga Gap	1,345.57	196.41	1,541.98	1,345.57	196.41	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Sierra Azul	4,403.73	14,041.98	18,445.71	3,963.31	13,776.15	1,723.78	68.42	30.44	20.25	372.00	0.00	0.00	234.16	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 Shoreline	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	153.51	13.26	166.77	148.96	3.26	0.00	4.55	10.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Tunitas Creek	707.48	0.00	707.48	707.48	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Windy Hill	1,304.49	30.79	1,335.28	1,304.49	2.00	0.00	0.00	5.79	5.79	0.00	23.00	0.00	0.00	0.00	0.00
<b>All Preserves</b>	<b>37,502.52</b>	<b>21,713.79</b>	<b>59,216.31</b>	<b>34,786.78</b>	<b>19,563.81</b>	<b>6,165.96</b>	<b>1,777.74</b>	<b>82.26</b>	<b>52.14</b>	<b>840.00</b>	<b>23.00</b>	<b>0.00</b>	<b>719.36</b>	<b>1,391.12</b>	<b>32.24</b>

Note: Excludes acreage where "Interest Held By Other"

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### Property Proposed for Dedication: Coal Creek

- MROSD
- Watershed Land
- Conservation or Agricultural Easement
- Management Agreement
- Other Protected Open Space or Park Lands
- Nonprofit Land
- Other Public Agency
- Proposed Dedications

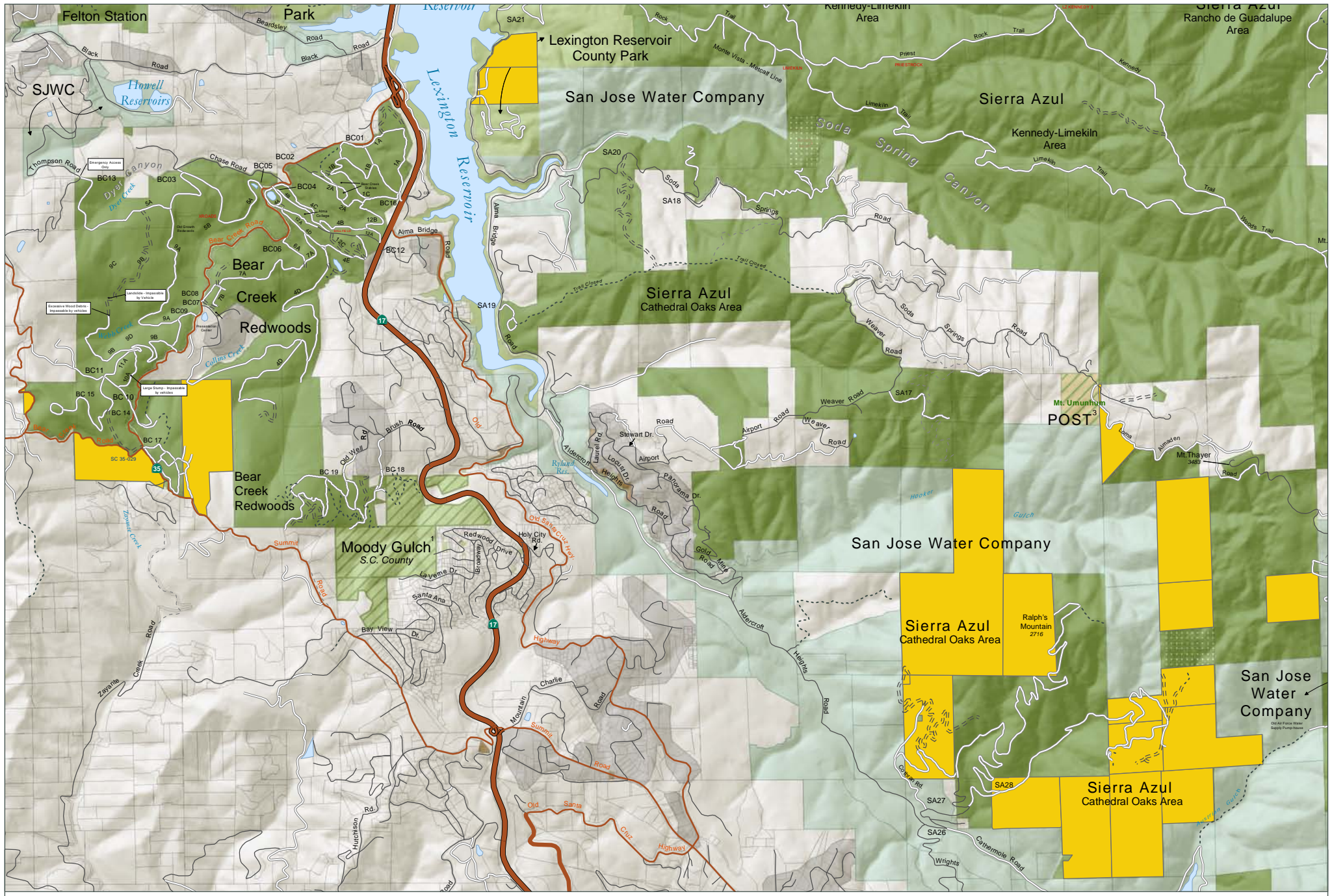
Midpeninsula Regional Open Space District

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### Property Proposed for Dedication: Sierra Azul

- |   |  |   |  |
|---|--|---|--|
|  MROSD                                    |  Watershed Land |  Conservation or Agricultural Easement |  Management Agreement |
|  Other Protected Open Space or Park Lands |  Nonprofit Land |  Other Public Agency                   |  Proposed Dedications |

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