



Midpeninsula Regional
Open Space District

R-11-69
Meeting 11-17
June 22, 2011

AGENDA ITEM 6

AGENDA ITEM

Approve the Right of Way Contract for the Exchange of Easements with the California Department of Transportation (Caltrans) along State Route 35 (Skyline Boulevard) at Monte Bello, Skyline Ridge, Russian Ridge and La Honda Creek Open Space Preserves (Santa Clara County Assessor's Parcel Numbers 351-06-025, 351-07-004 and 351-07-005; State Department of Transportation Parcel Number 19765 in San Mateo County); Determine that the recommended actions are categorically exempt from the California Environmental Quality Act (CEQA).

GENERAL MANAGER'S RECOMMENDATIONS

1. Determine that the recommended actions are categorically exempt from the California Environmental Quality Act (CEQA) for the reasons set out in this report.
2. Adopt the attached Resolution authorizing the attached Right of Way Contract for the exchange of easements between the District and Caltrans.
3. Adopt the Preliminary Use and Management Plan for the Public Trail Easement being acquired.

SUMMARY

The California Department of Transportation (Caltrans) has installed drainage improvement culverts along Skyline Boulevard at the Skyline Ridge and Monte Bello Open Space Preserves and at the Russian Ridge Open Space Preserve. Caltrans is seeking permanent drainage easements from the District for these improvements and, in exchange, Caltrans is recommending to the California Transportation Commission to grant the District a public trail easement at the La Honda Creek Open Space Preserve.

DISCUSSION

The District issued a Right of Entry to Caltrans on February 25, 2009, that allowed Caltrans to install drainage improvements at two culverts located along Skyline Boulevard (see Report 09-24). One culvert is located approximately ¼ mile north of the intersection with Page Mill and Alpine Roads at Russian Ridge Open Space Preserve (see attached Exhibit A). The second

culvert is located approximately ½ mile south of this intersection at Monte Bello and Skyline Ridge Open Space Preserves. The project involved installing rock slope protection and replacing an existing riser. These upgrades were needed to more effectively conduct and dissipate drainage from the highway, and also serve to reduce the potential for erosion and damage to surrounding open space lands.

With these drainage improvements completed, Caltrans has returned to the District to obtain permanent easements over the approximately ½ acre of District lands lying under the footprint of the new drainage facilities. The Right of Entry provided that, in lieu of a monetary payment from Caltrans for the desired drainage easements, Caltrans would make a good faith effort to compensate the District in the form of a public trail easement across a Caltrans parcel located adjacent to La Honda Creek Open Space Preserve (see attached Exhibit B). Caltrans has made good on this pledge, and is prepared to bring the proposed exchange of easements to the California Transportation Commission (CTC) for its approval. District approval of the exchange is first needed before the CTC will act.

Trail Easement

The Caltrans parcel is situated along Skyline Boulevard, approximately 1½ miles north of the community of Skylonda. The Caltrans parcel touches the La Honda Creek Open Space Preserve to the south and east, where an existing informal trail runs along the north side of La Honda Creek across the parcel and connects with the private trail network located within the adjacent Stillheart Retreat Center property to the north. The public trail easement to be granted by Caltrans runs partially along this existing trail, and traverses the Caltrans parcel for a distance of approximately 575 feet to connect District lands with the Stillheart property. The Stillheart property owner has agreed in concept to grant a public trail easement to the District that would follow the course of this existing trail along the north side of the creek. Staff anticipates that the proposed trail easement across the Stillheart property will be brought to the District Board for consideration at a future meeting. Staff considers the area in and around the upper reaches of La Honda Creek to be a potentially viable trail route linking La Honda Creek Open Space Preserve with El Corte de Madera Creek Open Space Preserve in the future. Additional trail easements would have to be negotiated with other private property owners to complete this connection, and so this area of La Honda Creek Open Space Preserve will remain closed to the public for the foreseeable future.

USE AND MANAGEMENT

Planning Considerations

The proposed trail easement is located adjacent to an area of La Honda Creek Open Space Preserve that is currently closed to public use. Future trail development within the easement will first require securing the necessary right of way along a trail corridor connecting La Honda Creek Open Space Preserve with El Corte de Madera Open Space Preserve. The Comprehensive Use and Management Plan or Master Plan for each preserve must also be amended prior to developing and opening a connecting trail corridor for public use.

Preliminary Use and Management Plan

The Preliminary Use and Management Plan for the public trail easement includes the following elements:

Public Access:	The trail easement is closed to public use.
Signs and Site Security:	No additional District boundary signs are needed at this time.
Patrol:	Include the trail easement in any foot patrols that occur within this remote area the Preserve.
Site Safety Inspection:	Preliminary site safety inspection has been conducted and there are no known safety hazards within the trail easement area.
Name:	Designate the trail easement as an addition to La Honda Creek Open Space Preserve.
Dedication:	Indicate the Board's intention to withhold dedication of the trail easement at this time.

CEQA COMPLIANCE

Project Description

The project consists of a grant of permanent drainage easements to Caltrans affecting approximately ½ acre of public open space lands along the shoulders of Skyline Boulevard, the acceptance of an approximately 575-foot long public trail easement across a Caltrans parcel also located along Skyline Boulevard, and the adoption of a Preliminary Use and Management Plan for the acquired trail easement.

CEQA Determinations – This Project is unique in that it involves two components that are subject to separate CEQA determinations by the District. For the proposed grant of drainage easements by the District to Caltrans, Caltrans is the “Lead Agency” under CEQA and the District is the “Responsible Agency.” For the acceptance of the trail easement from CalTrans and approval of the Preliminary Use and Management Plan, the District is the “Lead Agency.”

Responsible Agency CEQA Determination – Grant of Drainage Easements

As the “Lead Agency” under CEQA, Caltrans approved a Categorical Exemption determination for its Skyline Boulevard drainage improvements project. Caltrans determined that the drainage improvements project was categorically exempt from CEQA pursuant to CEQA Guidelines Section 15301, which exempts the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment or topographical features, involving negligible or no expansion of use beyond that existing at the time of the lead agency's determination. As a “Responsible Agency” under CEQA, the District must consider the significant environmental effects of a project, if any, and adopt findings for each significant effect when it approves a project. Here, the Lead Agency determined that the

drainage improvements project does not have any significant environmental effects on the environment and is exempt from CEQA. The District, acting as “Responsible Agency,” previously considered Caltrans’ Categorical Exemption determination at the time the District issued a Right of Entry to Caltrans to perform this work. The District finds that the Categorical Exemption determination of that previous review still apply, concurs that the project qualifies for a categorical exemption under Section 15301 of the CEQA Guidelines, and no further environmental review is necessary for the grant of permanent drainage easements to Caltrans.

Lead Agency CEQA Determination – Acceptance of Trail Easement

The District concludes that the acceptance of the trail easement will not have a significant effect on the environment. It is categorically exempt from CEQA under Article 19, Section 15325 of the CEQA Guidelines as follows:

Section 15325 exempts transfers of ownership of interest in land in order to preserve open space or lands for park purposes. The acquisition of the public trail easement will preserve an open space corridor for future public recreational access.

The actions recommended in the Preliminary Use and Management Plan are also exempt under Section 15061(b)(3), as there is no possibility the recommended actions will have a significant effect on the environment.

TERMS AND CONDITIONS

The attached Right of Way Contract between Caltrans and the District provides for the following exchange of easements between the parties:

1. The District will grant Caltrans permanent drainage easements at a culvert crossing at Skyline Ridge and Monte Bello Open Space Preserves and at the Russian Ridge Open Space preserve. These drainage easements will be recorded and contain language that specifically provides that the easement property will be subject to the permanent open space protections set forth in Public Resources Code section 5540.6. Section 5540.6 provides that the District may convey dedicated lands or a real property interest in dedicated lands to another public agency, provided that the receiving public agency’s use of such lands or real property interest be consistent with the open space purpose of the District.
2. Caltrans will grant District a 20 foot wide public trail easement across a Caltrans parcel adjacent to the La Honda Creek Open Space Preserve along Skyline Boulevard. The final approval of this trail easement will be made by the California Transportation Commission at a meeting scheduled in October 2011.

FISCAL IMPACT

The proposed exchange of easements will have no fiscal impact to the District’s budget.

PUBLIC NOTICE

Property owners of land located adjacent to or surrounding the Caltrans parcel have been mailed a copy of the agenda for the public meeting at which the Board of Directors will consider acceptance of the trail easement.

NEXT STEPS

Upon Board approval of the exchange of easements, the Right of Way Contract will be executed by the Board President and transmitted to Caltrans to present to the CTC for approval.

Attachments:

Exhibit A: Locations of Proposed Caltrans Drainage Easements

Exhibit B: Location of Proposed Trail Easement

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RESOLUTION 11-XX

RESOLUTION OF THE BOARD OF DIRECTORS OF MIDPENINSULA REGIONAL OPEN SPACE DISTRICT AUTHORIZING ACCEPTANCE OF A RIGHT OF WAY CONTRACT, AUTHORIZING GENERAL MANAGER OR OTHER OFFICER TO EXECUTE CERTIFICATE OF ACCEPTANCE OF GRANT TO DISTRICT, AUTHORIZING THE PRESIDENT OF THE BOARD OF DIRECTORS OR GENERAL MANAGER TO EXECUTE THE EASEMENT DEEDS AND AUTHORIZING GENERAL MANAGER TO EXECUTE ANY AND ALL OTHER DOCUMENTS NECESSARY OR APPROPRIATE TO CLOSING OF THE TRANSACTION (MONTE BELLO, SKYLINE RIDGE, RUSSIAN RIDGE AND LA HONDA CREEK OPEN SPACE PRESERVES – STATE OF CALIFORNIA, DEPARTMENT OF TRANSPORTATION)

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

Section One. The Board of Directors of Midpeninsula Regional Open Space District does hereby accept the offer contained in that certain Right of Way Contract (“Contract”) between State of California Department of Transportation (State) and the Midpeninsula Regional Open Space District, a copy of which is attached hereto and by reference made a part hereof, and authorizes the President or other appropriate officer to execute the Contract on behalf of the District to convey and acquire those certain real property rights described therein.

Section Two. The General Manager, President of the Board of Directors or other appropriate officer is authorized to execute Certificate of Acceptance for the Director’s Deed on behalf of the District.

Section Three. The President of the Board of Directors or the General Manager is authorized to execute the Easement Deeds to State.

Section Four. The General Manager or the General Manager’s designee shall cause to be given appropriate notice of acceptance to the seller and to extend escrow if necessary.

Section Four. The General Manager is authorized to expend up to \$2,500 to cover the cost of title insurance, escrow fees, and other miscellaneous costs related to this transaction.

Section Five. 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 Contract or documents, which are necessary or appropriate to the closing or implementation of this transaction.

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