



Midpeninsula Regional
Open Space District

R-13-02
Meeting 13-01
January 9, 2013

AGENDA ITEM 4

AGENDA ITEM

Annual Dedication of Certain District Lands and Dedication Status Report

GENERAL MANAGER'S RECOMMENDATION

A handwritten signature in black ink, appearing to be "J. G. G.", written over the end of the "GENERAL MANAGER'S RECOMMENDATION" header.

Adopt the attached Resolution dedicating interests in certain specified Midpeninsula Regional Open Space District (District) lands for public open space purposes.

SUMMARY

Once each year, the District selects certain properties and land interests for dedication. By doing so, the District voluntarily eliminates its ability to sell or otherwise convey these 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 61,837 acres preserved by the District, 2,034 acres include property rights that prevent these lands from being dedicated, such as leases and management agreements, leaving 59,803.58 acres of marketable interests in land. Of this amount, 40,569 acres (68%) are dedicated and 19,234 acres (32%) remain undedicated. Upon adoption of the attached recommended resolution dedicating 89 additional acres, 40,658 acres (68%) of marketable acres would be dedicated and 19,145 acres (32%) would remain 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 (Board) has, by adopted policy, followed the practice of expressly dedicating lands for open space purposes on an annual basis by Board resolution after receiving a suitability evaluation for dedication of the lands. 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 retains its creative ability to acquire land and assemble open space preserves in a manner that best serves the public, while avoiding unnecessary expenditures 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 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, 2012, 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 61,837 acres of land; made up of 56,913 acres in fee, and 4,924 acres in lesser interests. The District added 1,877 acres in fee and 78 acres of lesser interests in 2012. These newly conserved lands have an appraised value of \$16,757,600, and cost the District \$8,720,216. Grants and Gifts associated with these purchases totaled \$8,044,000.

Recommended Dedications (see maps)

The following 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:

El Corte de Madera Creek Open Space Preserve

Former Gallaway and Sempervirens Fund (Largomarsino) properties: Purchased in 2012, the Gallaway and Sempervirens Fund (Largomarsino) properties total 89.48 acres as an addition to El Corte de Madera Creek Open Space Preserve (OSP). The properties consist of three parcels characterized by mountainous, forested terrain that support old growth redwoods. A grant from the Living Landscape Initiative assisted the District's purchase.

Recommendations for Later Dedication

The majority of the District's undedicated land falls within two open space preserves: 2,465 acres at La Honda Creek OSP and 13,450 acres at Sierra Azul OSP. The Master Plan for La Honda Creek OSP was completed in 2012, but detailed trail design and agricultural site

improvements are still underway. The Master Plan for Sierra Azul OSP has been deferred and the Mount Umunhum cleanup and public access project could potentially affect dedication preferences in the Mount Umunhum Area of Sierra Azul OSP. Staff recommends deferring the remaining dedications until these project tasks are completed.

FISCAL IMPACT

There are no costs associated with dedication.

BOARD COMMITTEE REVIEW

Board Committee review of this agenda item is not required.

PUBLIC NOTICE

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

CEQA COMPLIANCE

This action is not a project that subject to the California Environmental Quality Act.

NEXT STEPS

None to report.

Attachments

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

Responsible Department Manager:
Mike Williams, Real Property Manager

Prepared by:
Sandy Sommer, AICP, ASLA, Senior Real Property Planner

Contact person:
Same as above

Graphics prepared by:
Michelle Lanctot, GIS Intern

RESOLUTION NO. 13-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.

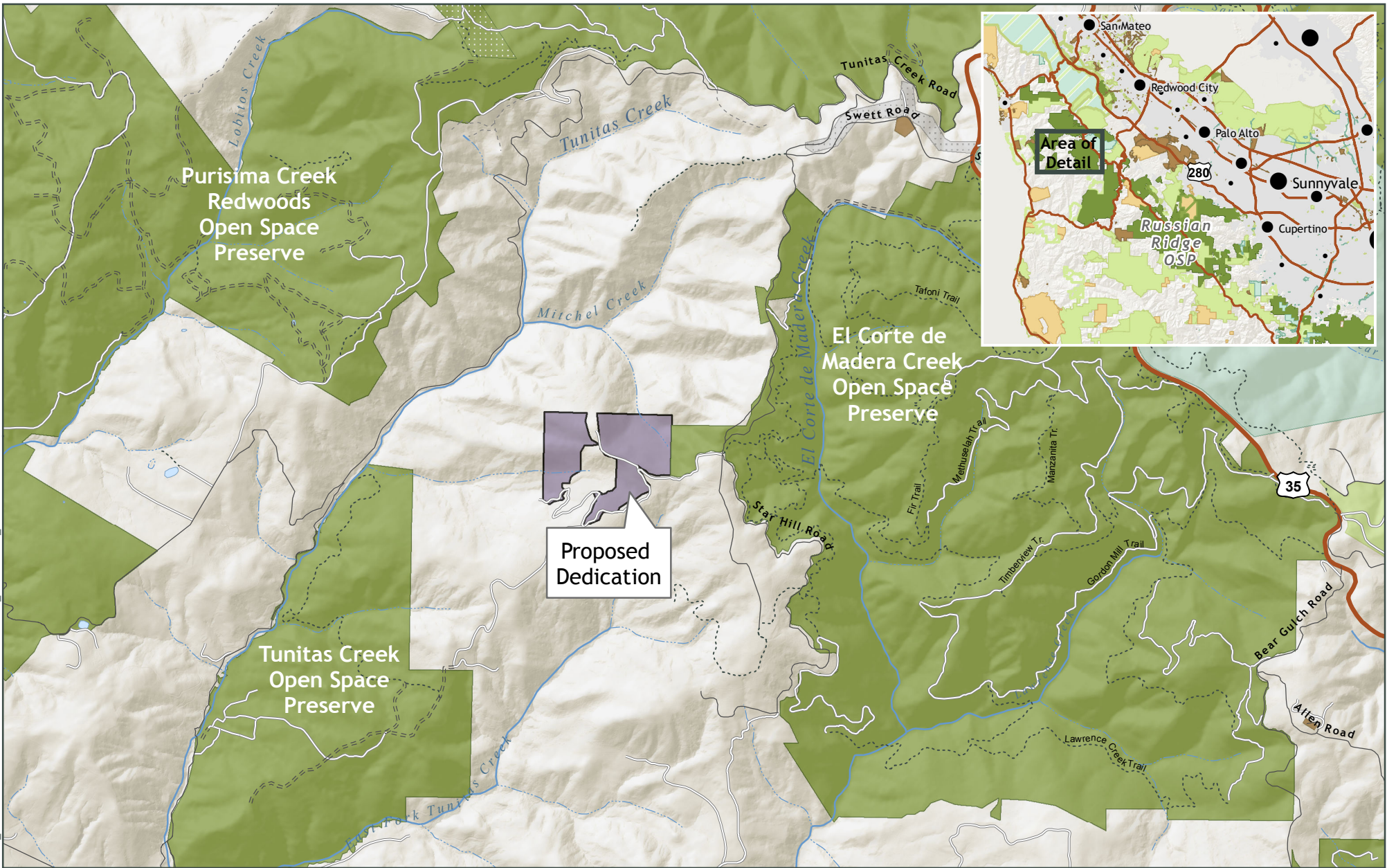
Open Space Preserve	Grantor	Board		Acreage	Property		
		Approval Date	Closing Date		Interest	Cty	APN
El Corte de Madera Creek	Galloway	5/23/2012	9/5/2012	58.70	Fee	SM	081-100-080, 081-100-160
El Corte de Madera Creek	Sempervirens Fund (Largomarsino)	5/23/2012	6/15/2012	30.78	Fee	SM	081-100-040
			TOTAL	89.48			

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	76.54	1,431.69	1,355.15	74.61	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	2,812.79	93.28	2,906.07	2,812.79	93.28	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	3,295.09	2,464.94	5,760.03	3,294.92	2,464.56	2,397.35	0.17	0.00	0.00	0.00	0.38	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	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	3,118.02	159.57	3,277.59	3,118.02	40.40	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	3,742.23	968.66	4,710.89	3,742.23	968.56	84.15	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.10
Rancho San Antonio	3,693.89	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	4.33	376.00	273.67	0.00	0.00	0.00	1.45	0.00	0.00	2.88	0.00	98.00	0.00	0.00
Russian Ridge	2,915.83	221.69	3,137.52	2,915.83	215.69	97.89	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	6.00
Saratoga Gap	1,411.57	196.41	1,607.98	1,345.57	196.41	0.00	0.00	0.00	0.00	66.00	0.00	0.00	0.00	0.00	0.00
Sierra Azul	5,381.41	13,449.93	18,831.34	4,940.99	13,225.46	1,634.41	68.42	30.44	20.25	372.00	0.00	0.00	192.80	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	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	952.49	1,659.97	707.48	952.49	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
All Preserves	40,569.48	21,267.80	61,837.29	37,758.95	19,154.37	4,369.19	1,783.53	76.47	46.35	929.00	3.26	0.00	708.35	1,391.12	32.24

Note: Excludes acreage where "Interest Held By Other"



Proposed Dedication

Property Proposed for Dedication: El Corte de Madera Creek Open Space Preserve

- | | | |
|--|---|---|
|  Highlighted Property |  Watershed Land |  Other Public Agency |
|  MROSD Preserves |  Private Property |  Land Trust |
|  Other Protected Open Space or Park Lands |  Partial MROSD Ownership |  Developed Land |

Midpeninsula Regional
Open Space District
(MROSD)

January, 2013

