



Midpeninsula Regional
Open Space District

R-13-91
Meeting 13-29
October 23, 2013

AGENDA ITEM 2

AGENDA ITEM

Renewal of a Lease and Management Agreement with Peninsula Open Space Trust (POST) for one-half interest in the Behroozi Property at Sierra Azul Open Space Preserve (Santa Clara County Assessor Parcel Numbers: 537-09-007 and 537-09-008).

GENERAL MANAGER'S RECOMMENDATIONS

Authorize the General Manager to renew a Lease and Management Agreement (Agreement) with POST and make minor revisions, which do not substantially change any material terms of the Agreement.

SUMMARY

The District has the opportunity to continue utilizing and managing POST's one-half interest in the 83.08-acre Behroozi property, which is located adjacent to the Kennedy-Limekiln Area of Sierra Azul Open Space Preserve, for an additional 5 years through a renewed Lease and Management Agreement.

DISCUSSION

At its March 26, 2008 regular meeting, the Board approved a Lease and Management Agreement with POST whereby POST agreed to lease its one-half interest in the Behroozi property to the District for a five-year lease term, with the District agreeing to manage and patrol the property for open space purposes (R-08-26). The Agreement stipulated that POST's one-half interest would be under the control of the District for purposes of Public Resources Code section 5558 and would be deemed to be "District Lands" as defined in District Ordinance No. 93-1 (subject to the other property owners). The original agreement expired on April 1, 2013 and POST now desires to renew the Agreement for an additional five-year period under essentially the same terms.

CEQA COMPLIANCE

On March 26, 2008, the Board determined that the Lease and Management Agreement was categorically exempt from the California Environmental Quality Act (CEQA). The proposed renewal of the Lease and Management Agreement is a continuation of the same project with no substantive changes; therefore no further CEQA review is needed.

TERMS AND CONDITIONS

Location: The 83.08-acre property is located in the Kennedy-Limekiln Area of Sierra Azul Open Space Preserve.

Term: The initial term is 5 years with one 5 year extension.

Rent: The annual rent payment will be POST's half of the property taxes, which were \$734.88 for 2012-2013.

Use: The District shall use the property for ecological, recreational, and scenic resources or for any other related legal uses that are consistent with the purposes for which the District was formed (subject to the other property owners).

FISCAL IMPACT

Annual rent payments will be paid from the Real Property Budget.

BOARD COMMITTEE REVIEW

Board Committee review is not required for this agenda item.

PUBLIC NOTICE

Public notice was provided as required by the Brown Act. Also, the one-half interest private owner has been mailed a copy of the agenda for this public meeting.

NEXT STEPS

Upon approval by the Board of Directors, staff will work to renew the Lease and Management Agreement.

Attachments:

1. Location Map

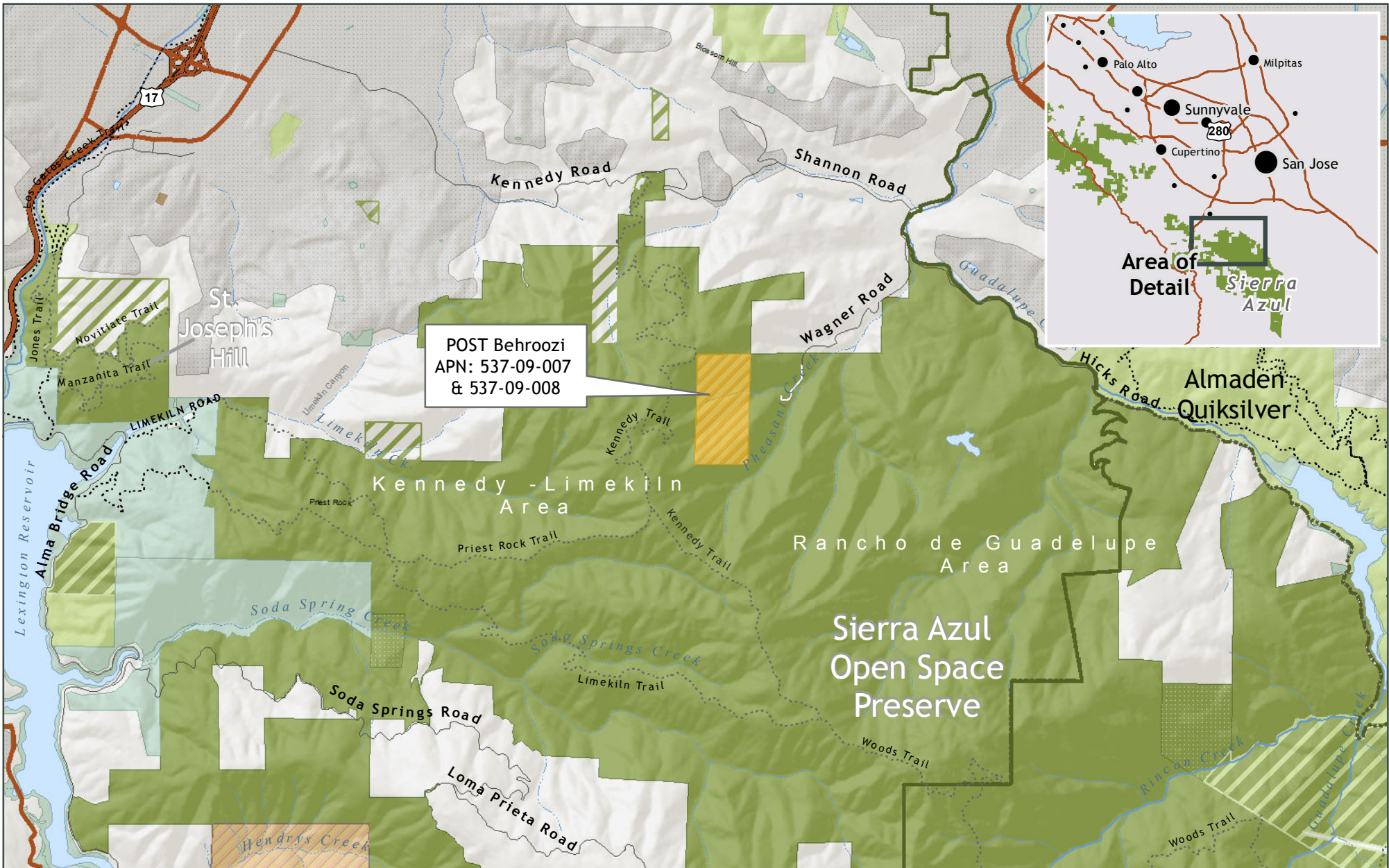
Responsible Department Manager:
Michael Williams, Real Property Manager

Prepared by:
Allen Ishibashi, Real Property Specialist

Contact person:
Same as above

Graphics prepared by:
Michelle Lanctot, GIS Technician

Created By: mchids\Path: G:\Projects\Sierra_Azul\Behroozi\POST_Behroozi_BoardPacket.mxd



POST Behroozi

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|--|---|--|
|  MROSD Preserves |  Management Agreement |  Highlighted Property |
|  Other Protected Open Space or Park Lands |  Non MROSD Conservation or Agricultural Easement |  Private Property |
|  Watershed Land |  MROSD Conservation or Agricultural Easement |  Developed Land |

Midpeninsula Regional Open Space District (MROSD)

October, 2013



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While the District strives to use the best available digital data, this data does not represent a legal survey and is merely a graphic illustration of geographic features.