



Midpeninsula Regional  
Open Space District

R-14-24  
Meeting 14-07  
February 26, 2014

## **AGENDA ITEM 5**

### **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. J. J.", is written over the word "RECOMMENDATION".

Adopt a 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 the condition that the land continue to be protected as open space in perpetuity. Of the 62,167 acres preserved by the District, 2,342 acres include property rights that prevent these lands from being dedicated, such as leases and management agreements, leaving 59,825 acres of marketable interests in land. Of this amount, 40,659 acres (68%) are dedicated and 19,166 acres (32%) are undedicated. If the Board of Directors adopts the attached recommended resolution to dedicate 50.79 additional acres as further discussed in this report, 40,709.75 acres (68%) of marketable acres will be dedicated and 19,115.55 acres (32%) will 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 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.

Per the Dedicated Lands Policy, an Annual Report indicating the status of District lands as dedicated or undedicated is to be presented early each calendar 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 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, 2013, 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 62,167 acres of land; made up of 56,931 acres in fee, and 5,236 acres in lesser interests. 2,342 acres include property rights that prevent these lands from being dedicated, such as leases and management agreements, leaving 59,825 acres of marketable interests in land. Of this amount, 40,659 acres (68%) are currently dedicated and 19,166 acres (32%) are undedicated.

The District added 12 acres in fee and 323 acres of lesser interests in 2013. These newly conserved lands have an appraised value of \$485,000, and cost the District \$225,000. Grants and Gifts associated with these purchases totaled \$260,000.

### **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:

#### **Monte Bello Open Space Preserve (OSP)**

**Lobner Property:** In 2001, the District purchased the 40-acre Lobner property as an addition to the Monte Bello OSP. This transaction included a right of first offer to purchase the adjacent 10.79 acre (Lobner Trust property) along the eastern boundary of the 40-acre parcel. The Lobner property adjoins Stevens Creek County Park and Monte Bello OSP.

**Lobner Trust:** In February 2013, the District exercised its right of first offer and purchased the 10.79 acre Lobner Trust property also as an addition to Monte Bello OSP. In consideration of Santa Clara County contributing 50% of the purchase price, the District granted the County a conservation easement over this property to ensure that the property is

maintained as public open space and park land in perpetuity. The Lobner Trust property is surrounded on three sides by the Monte Bello OSP.

For these reasons, dedication of the Lobner and Lobner Trust properties is appropriate.

Should the Board adopt the attached resolution to dedicate the 50.79 additional acres as recommended in this report, 40,709.75 acres (68%) of marketable acres would be dedicated and 19,115.55 acres (32%) would remain undedicated.

### **Recommendations for Later Dedication**

The majority of the District's undedicated land falls within two open space preserves: 2,773 acres at La Honda Creek Open Space Preserve (OSP) and 13,450 acres at Sierra Azul Open Space Preserve. Although the La Honda Creek OSP Master Plan was approved in 2012, new opportunities exist to amend and improve the future preserve trail network and parking areas as part of the recently purchased Driscoll Event Center and Apple Orchard properties. Moreover, the two recently approval grazing leases also present opportunities for adaptive adjustments to the agricultural uses of the preserve. Completion of the Sierra Azul OSP Master Plan has been deferred to allow for more intensive District focus and progress on the implementation of the Mount Umunhum Public Access and Environmental Restoration Project. The Mount Umunhum project could potentially affect dedication preferences in the Mount Umunhum Area of Sierra Azul OSP. Given that staff is still evaluating real property issues and management needs at both preserves, staff recommends deferring Board consideration of the remaining land dedications within La Honda and Sierra Azul OSPs at this time.

### **FISCAL IMPACT**

There are no costs associated with dedication.

### **BOARD COMMITTEE REVIEW**

No Board Committee review is required for this item.

### **PUBLIC NOTICE**

Public 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 Dedicating Interests in Certain District Lands for Public Open Space Purposes
2. Dedication Status Summary Report
3. Map showing proposed property for dedication

Responsible Department Head:  
Michael Williams, Real Property Manager

Prepared by:  
Jean Chung, Acting Real Property Assistant  
Sandy Sommer, AICP, ASLA, Senior Real Property Planner

Contact person:  
Michael Williams, Real Property Manager

Graphics prepared by:  
Michele Childs, GIS Technician



**RESOLUTION NO. 14-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 Interest	Cty	APN
		Approval Date	Closing Date				
Monte Bello	Lobner	3/14/2001	5/31/2001	40.00	Fee	Santa Clara	351-13-007
Monte Bello	Lobner Trust	1/23/2013	2/15/2013	10.79	Fee	Santa Clara	351-13-018
			<b>TOTAL</b>	50.79			

\*\*\*\*\*

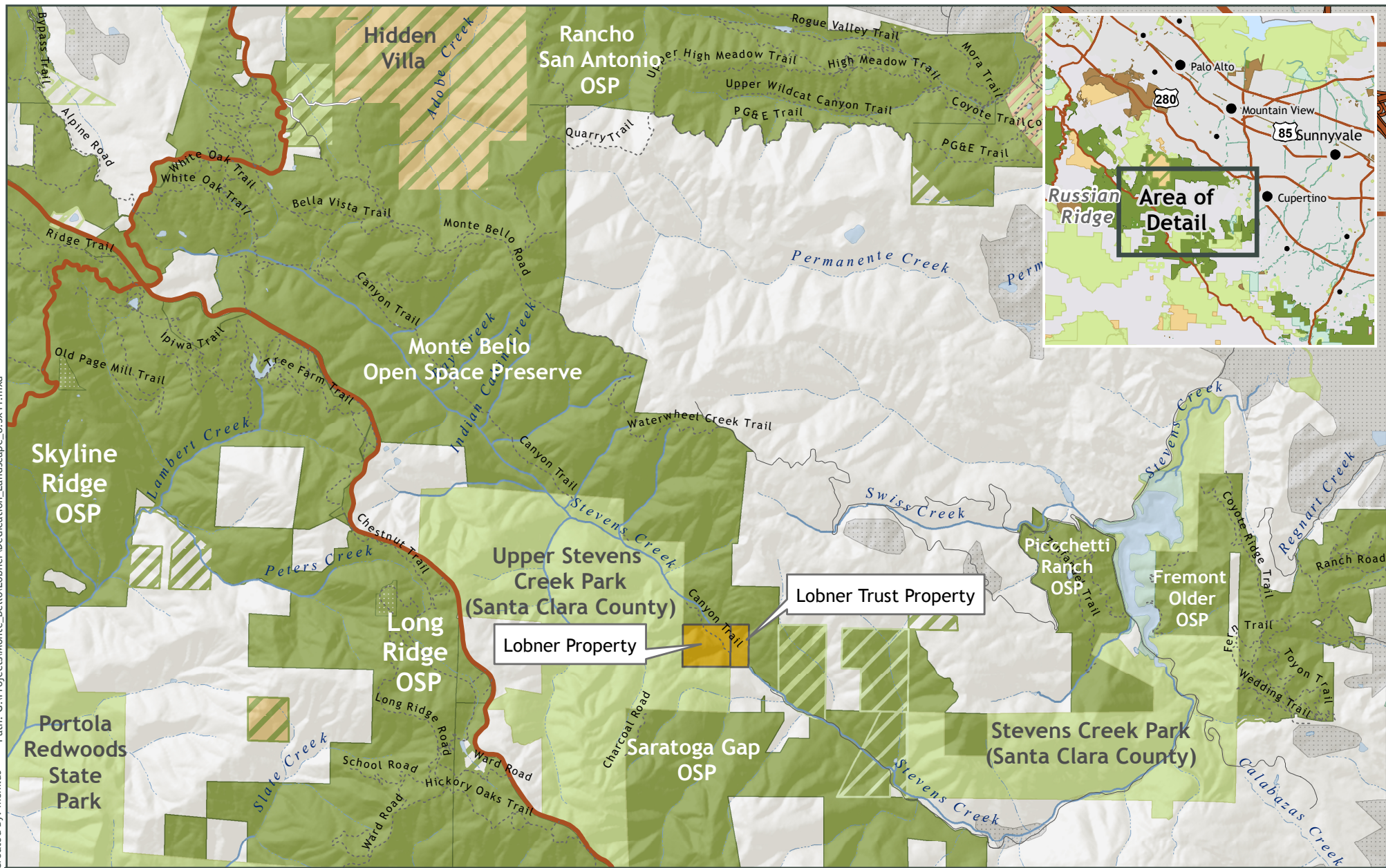


# Dedication Status Summary Report










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	82.05	1,437.20	1,355.15	80.12	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	2,902.27	3.80	2,906.07	2,902.27	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	25.76	1,418.71	1,392.83	20.63	0.00	0.12	4.44	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	2,772.94	6,068.03	3,294.92	2,464.56	2,397.35	0.17	0.00	0.00	0.00	0.38	0.00	308.00	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	170.36	3,288.38	3,118.02	51.19	0.00	0.00	24.90	24.90	0.00	0.00	0.00	85.37	0.00	8.90

	Fee , Easements and Other			Fee Acreage			Easements on Private Land			Easements on Public Land			Lease and Management	Contribution Only	Other Interest
<b>Preserve</b>	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
Purissima Creek	3,742.23	969.48	4,711.71	3,742.23	969.38	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	196.62	1,608.19	1,345.57	196.62	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	2.68	626.44	623.76	2.38	2.38	0.00	0.30	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
<b>All Preserves</b>	<b>40,658.96</b>	<b>21,508.04</b>	<b>62,167.01</b>	<b>37,848.43</b>	<b>19,082.22</b>	<b>4,369.19</b>	<b>1,783.53</b>	<b>80.86</b>	<b>46.35</b>	<b>929.00</b>	<b>3.26</b>	<b>0.00</b>	<b>1,016.35</b>	<b>1,391.12</b>	<b>32.24</b>

**Note: Excludes acreage where "Interest Held By Other"**



## Property Proposed for Dedication: Monte Bello Open Space Preserve

- |  |  |   |
|--|--|---|
|  Dedication Parcels                       |  Watershed Land   |  Non MROSD Conservation or Agricultural Easement |
|  MROSD Preserves                          |  Private Property |  MROSD Conservation or Agricultural Easement     |
|  Other Protected Open Space or Park Lands |  Developed Land   |  Land Trust                                      |

Midpeninsula Regional  
Open Space District  
(MROSD)



Miles 0 0.5 1

February, 2014

