



Midpeninsula Regional  
Open Space District

R-15-35  
Meeting 15-05  
February 25, 2015

## **AGENDA ITEM 4**

### **AGENDA ITEM**

Approval of Santa Clara County Funding Agreement to support the Purchase of the former Sargent Lysons Family Trust property as an Addition to Monte Bello Open Space Preserve located at 17251 Stevens Canyon Road in unincorporated Santa Clara County (Assessor's Parcel Number 351-16-020).

### **GENERAL MANAGER'S RECOMMENDATIONS**

1. Determine that the recommended actions are categorically exempt from the California Environmental Quality Act (CEQA) as set out in this report.
2. Adopt the attached Resolution authorizing the General Manager to negotiate and execute a Funding Agreement with Santa Clara County for their contribution of half the purchase price of the former Sargent Lysons Family Trust property, or \$740,000, in exchange for the conveyance of a Conservation Easement.

### **SUMMARY**

The Midpeninsula Regional Open Space District (District) is proposing to enter into a Funding Agreement with Santa Clara County (County) to reimburse half the purchase price of the 60-acre Sargent Lysons Family Trust property (Property) in exchange for a conservation easement over the Property to be conveyed to the County. The following report presents a description of the proposed funding contribution from the County, and the terms and conditions of the conservation easement. The Property purchase is part of Measure AA Project #17.1.

### **MEASURE AA**

The purchase of the Sargent Lysons Family Trust property (Property) in January 2015 furthered the District's Vision Plan Priority Action Items and Measure AA Projects. The 5-year Measure AA Project List, which was approved by the Board on October 29, 2014, includes Project #17.1 (Complete Upper Stevens Creek Trail – Upper Stevens Creek Trail/Last Piece/Land Conservation). The Property purchase meets the criteria to further the goals of Project #17.1 as it represents the last property needed to begin the planning process to subsequently construct and complete the upper Stevens Canyon Trail gap.

## **DISCUSSION**

### **Property Description (see attached map)**

At the October 8, 2014 Regular Meeting, the Board approved the purchase of the 60-acre Sargent Lysons Family Trust property (Property) as an addition to the Monte Bello Open Space Preserve (Report R-14-116). Santa Clara County (County) has agreed to contribute \$740,000 toward the purchase, which is 50% of the total \$1,480,000 purchase price. On November 18, 2014, the County Board of Supervisors approved the funding and authorized the County Director of Parks and Recreation to negotiate and execute all documents to complete the transaction. The County and the District have long cooperated to purchase properties and trail rights on the north side of Stevens Canyon to complete the regional Stevens Canyon Trail that will connect Stevens Creek County Park to Upper Stevens Creek County Park, and the Monte Bello and Picchetti Ranch Open Space Preserves. The Property represents the last piece needed to complete this trail corridor.

In exchange for the County's financial contribution, the County will receive a conservation easement over the Property. The conservation easement requires that the Property be maintained in a natural condition, and that the District dedicate the Property as public open space, preserve the natural habitat and wildlife, and allow for passive public recreational use. The easement also requires the District to submit any proposed plans for open space facilities or significant restoration activities to the County for advisory review, and to consult with the County on any future Master Plan that includes this property.

The conservation easement also includes a stipulation that the District and County will enter into a trail construction and maintenance agreement (Trail Agreement) within five years after the District and County have secured all of the land entitlements necessary to proceed with the proposed Stevens Creek Trail extension. It is understood that each agency would have the responsibility for maintaining the trail segments located on their respective lands. Since this property represents the last land entitlement needed to construct the trail, a Trail Agreement will be developed and brought to the District Board for consideration at a future date within the agreed-upon five year deadline.

The County has previously approved similar funding agreements for the purchase of the former Keyani, Hall, Powell and Lobner properties along the north side of Stevens Canyon and within the planning corridor of the proposed Stevens Canyon Trail. To date, the County has contributed \$2,300,000 dollars towards the protection of 291 acres in Stevens Canyon. If this item is approved, the total contribution will increase to \$3,040,000 and 351 acres.

### **FISCAL IMPACT**

The \$740,000 contribution from Santa Clara County will reimburse the District for 50% of the Property purchase price of \$1,480,000.

## **BOARD COMMITTEE REVIEW**

Due to the occupancy of the property by two residential tenants, this property purchase was not presented to the Real Property Committee prior to Board approval on October 8, 2014.

## **PUBLIC NOTICE**

Public notice was provided as required by the Brown Act. No additional notice is required.

## **CEQA COMPLIANCE**

This transaction was determined to be categorically exempt from CEQA at your October 8, 2014 meeting. The findings detailed in the prior Board Report (see Report R-14-116) remain in effect and unchanged. The project now also includes the conveyance of a conservation easement to Santa Clara County to preserve and maintain the open space nature of the property.

The District further concludes that the project is exempt under Article 19, Section 15317 of the CEQA Guidelines, which exempts the establishment of easements in order to maintain the open space character of an area.

The District concludes that the action proposed in this report does not constitute a change to the project, which would result in any additional impact on the environment.

## **NEXT STEPS**

Upon approval by the Board of Directors, the Funding Agreement and Conservation Easement will be executed and staff will proceed with the close of escrow for the Conservation Easement conveyance to the County.

### Attachments:

1. Resolution
2. Map

### Responsible Department Head:

Michael C. Williams, Real Property Manager

### Prepared by:

Allen Ishibashi, Senior Real Property Agent

### Contact person:

Same as above

### Graphics prepared by:

Jon Montgomery, GIS Intern

RESOLUTION NO. 15-\_\_\_\_\_

**RESOLUTION OF THE BOARD OF DIRECTORS OF THE MIDPENINSULA REGIONAL OPEN SPACE DISTRICT AUTHORIZING THE GENERAL MANAGER TO NEGOTIATE AND EXECUTE A FUNDING AGREEMENT WITH THE COUNTY OF SANTA CLARA AND TO NEGOTIATE AND EXECUTE A CONSERVATION EASEMENT, AND AUTHORIZING THE GENERAL MANAGER TO EXECUTE ANY AND ALL OTHER DOCUMENTS NECESSARY OR APPROPRIATE TO THE CLOSING OF THE TRANSACTION (MONTE BELLO OPEN SPACE PRESERVE-FORMER LANDS OF SARGENT LYSONS FAMILY TRUST)**

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

Section One. The Board of Directors of the Midpeninsula Regional Open Space District does hereby authorize the General Manager to negotiate and to execute a Funding Agreement with the County of Santa Clara on behalf of the Midpeninsula Regional Open Space District.

Section Two. The General Manager or the General Manager’s designee is authorized to negotiate and execute the Conservation Easement conveying certain real property rights by the Midpeninsula Regional Open Space District to the County of Santa Clara.

Section Three. The General Manager or the General Manager’s designee shall cause to be given appropriate notice of acceptance to the County of Santa Clara. The General Manager or the General Manager’s designee is further authorized to execute any and all other documents in escrow necessary or appropriate to the closing of the transaction.

\* \* \* \* \*

PASSED AND ADOPTED by the Board of Directors of the Midpeninsula Regional Open Space District on \_\_\_\_\_, 2015, at a Regular Meeting thereof, by the following vote:

- AYES:**
- NOES:**
- ABSTAIN:**
- ABSENT:**

**ATTEST:**

**APPROVED:**

\_\_\_\_\_  
Secretary  
Board of Directors

\_\_\_\_\_  
President  
Board of Directors

**APPROVED AS TO FORM:**

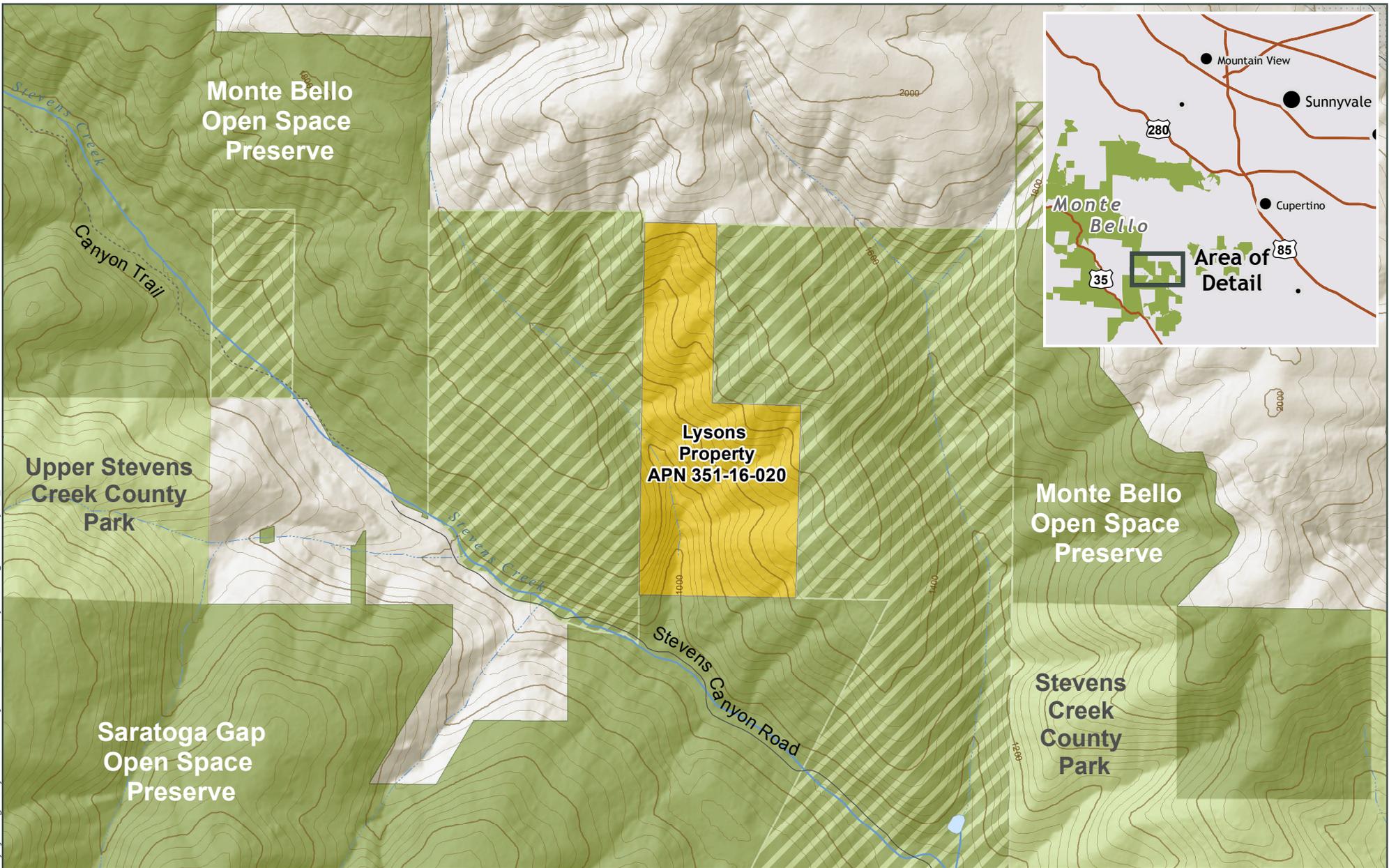
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General Counsel

I, the Interim District Clerk of the Midpeninsula Regional Open Space District, hereby certify that the above is a true and correct copy of a resolution duly adopted by the Board of Directors of the Midpeninsula Regional Open Space District by the above vote at a meeting thereof duly held and called on the above day.

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Interim District Clerk



### Lysons Property (APN 351-16-020) - 17251 Stevens Canyon Road, Cupertino

- |   |   |
|---|---|
|  Highlighted Property                     |  Private Property                                |
|  MROSD Preserves                          |  Non MROSD Conservation or Agricultural Easement |
|  Other Protected Open Space or Park Lands |  MROSD Conservation or Agricultural Easement     |

Midpeninsula Regional  
Open Space District  
(MROSD)



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August, 2014