



Midpeninsula Regional
Open Space District

R-18-101
Meeting 18-34
September 26, 2018

AGENDA ITEM 7

AGENDA ITEM

Right of Way Contract to exchange interests in real property between the California Department of Transportation (Caltrans) and Midpeninsula Regional Open Space District (District) to receive an easement for the Ravenswood Bay Trail Connection Project near Ravenswood Open Space Preserve in exchange for a drainage easement conveyed to Caltrans at Thornewood Open Space Preserve (portion of San Mateo County APN 075-123-080). Unanimous vote from all seven Board of Directors is required.

GENERAL MANAGER'S RECOMMENDATIONS

1. Determine that the recommended actions are categorically exempt from the California Environmental Quality Act (CEQA) as set out in the report.
2. By a unanimous vote of the Board of Directors, adopt a resolution authorizing the Right of Way Exchange Contract between the District and Caltrans.
3. Amend the Comprehensive Use and Management Plan for Ravenswood Open Space Preserve to include the exchanged interest in real property.
4. Withhold dedication of the Exchange Property as public open space at this time.

SUMMARY

The General Manager recommends entering into a Right of Way Exchange Contract with Caltrans for an exchange of easement rights that provides net benefits to both agencies. The exchange will expand the easement area required by Caltrans to maintain drainage improvements to Highway 84 at the boundary of Thornewood Open Space Preserve. Concurrently, the District will secure property rights necessary to construct the Ravenswood Bay Trail Connection project at Ravenswood Open Space Preserve to close a critical gap in the San Francisco Bay Trail (Bay Trail) (Attachment 2). This exchange of easement rights will be at no cost to the District. The following report presents a description of the proposed exchange in real property interests, an amendment to the Preserve's Comprehensive Use and Management Plan, the environmental review findings, and terms.

BACKGROUND

Intense storm activity in the winter of 2016 led to a partial road failure on Highway 84 adjacent to Thornewood Open Space Preserve near the Town of Woodside, which Caltrans repaired in the spring of 2018. The road failure site was located four miles south of the Town of Woodside at

Post Mark 16.3, on the west side of Highway 84 (see attachment 3). The repairs included installation of two extended drainage structures and a new retaining wall to support the partially failed roadway. These repairs required work that extends beyond the existing road easement and into lands owned by the District at Thornewood Open Space Preserve. In order to fast track the repairs, the District and Caltrans entered into a Right of Entry agreement in December of 2017. Caltrans will be responsible for the maintenance and repair of the drainage structures on District land.

The Right of Entry agreement requires Caltrans to return to the District upon completion of the repair project to obtain a permanent easement for the drainage and safety improvements. The District's property is dedicated as public open space as part of the 87-acre former Sierra Club property gift in 1978 (R-78-35). California Public Resources Code (PRC) prohibits the District from transferring or selling dedicated open space property. However, under PRC Section 5540.5, the Board may unanimously vote to exchange an interest in real property that is dedicated as public open space for an interest in real property that is determined to be of equal or greater value.

Caltrans and the District propose to exchange the drainage easement at Thornewood Open Space Preserve for a trail easement to facilitate completion of the Ravenswood Bay Trail Connection Project at Ravenswood Open Space Preserve. The exchange complies with PRC Section 5540.5 because the easement to be conveyed is of equal or greater value. The easement to be conveyed to the District will be used for park purposes and become part of the Bay Trail at Ravenswood Open Space Preserve (see attachment 4). The trail easement will improve the connection between the Bay Trail easement granted to the District by the City and County of San Francisco (see report R-16-146) and the existing Bay Trail along University Avenue to close a gap in an otherwise continuous 80-mile Bay Trail corridor.

Descriptions of Exchange Properties

Caltrans to District: Under the Right of Way Exchange Contract, Caltrans would convey a trail easement to the District over a key portion of land (approximately 822 square feet) near University Avenue along the alignment of the Ravenswood Bay Trail in Menlo Park.

District to Caltrans: Under the Right of Way Exchange Contract, the District would convey a right of way easement to Caltrans for drainage improvements serving Highway 84. The drainage easement contains approximately 526 square feet of area.

USE AND MANAGEMENT

Amended Use and Management Plan

The Board adopted a Comprehensive Use and Management Plan for Ravenswood Open Space Preserve on April 5, 1990 (R-90-53). Most recently, it was amended on November 16, 2016 (R-16-29) to include the Ravenswood Bay Trail easement acquired by the District from the City and County of San Francisco to facilitate Bay Trail connections. Acquisition of the easement from Caltrans represents a further addition. Amendment of the Comprehensive Use and Management Plan to incorporate the easement from Caltrans would take effect at the close of escrow and remain effective until further amended. The amendment to the Comprehensive Use and Management Plan includes the following elements:

- Name: Designate the easement acquired from Caltrans as an addition to Ravenswood Open Space Preserve.
- Public Access: Keep the easement area closed to public use until a trail is built.
- Signs and Site Security: Include a sign plan with final trail design and engineering plans for Board consideration at a future date.
- Easement Monitoring: Conduct regular inspections of the easement area to ensure compliance with the terms of the exchange.
- Site Safety Inspection: No known safety hazards exist within the easement area.
- Dedication: Withhold Board dedication of the public trail easement for public open space purposes until a trail is constructed and opened to the public as part of the San Francisco Bay Trail.
- Subsequent Planning: Include in subsequent Bay Trail planning efforts.

TERMS AND CONDITIONS

As part of the proposed Right of Way Exchange Contract, the District and Caltrans agree to convey the easements to each other at no cost to either party. The easement exchange is of equal or greater value to the District and the public it serves. Therefore, the exchange is determined to be in accordance with the District’s enabling legislation set out in PRC Section 5540.5, pending unanimous vote by the Board.

FISCAL IMPACT

This reciprocal no-cost exchange of easements will have no fiscal impact on the District.

BOARD COMMITTEE REVIEW

This item was not previously reviewed by a Board Committee.

PUBLIC NOTICE

Property owners of land located adjacent to or surrounding the project site have been mailed a copy of the agenda for this meeting. Accordingly, all notice required by the Brown Act and District policy has been provided.

CEQA COMPLIANCE

Project Description

The project consists of the approval of a Right of Way Exchange Contract between the District and Caltrans to exchange interests in real property in compliance with PRC Section 5540.5. Per the terms and conditions of the Right of Way Exchange Contract, the District will convey a

permanent drainage easement totaling approximately 526 square feet at Thornewood Open Space Preserve to Caltrans. In exchange, Caltrans will convey to the District trail access rights totaling approximately 822 square feet over a portion of property at the intersection of University Avenue and a San Francisco Public Utilities Commission Access Road in the City of Menlo Park. The easement to be conveyed to the District is of equal or greater value and will be used for park purposes to further the implementation of the District's Ravenswood Bay Trail Connection project. The project also includes an amendment of the Ravenswood Open Space Preserve Comprehensive Use and Management Plan to include the easement.

CEQA Determination

The District concludes that the project will not have a significant impact on the environment. The project is categorically exempt from the California Environmental Quality Act (CEQA) under Article 19, Section 15325 (f): acquisition, sale, or other transfer to preserve open space or lands for park purposes. The Right of Way Exchange Contract with Caltrans is a transfer, which serves park purposes, and is not anticipated to result in an impact on the environment.

NEXT STEPS

Upon approval by the Board of Directors, the General Manager will direct staff to execute the terms of the Right of Way Exchange Contract and take the next steps identified in the Comprehensive Use and Management Plan. The District's Foothills Field Office will assume patrol and management of the trail as an addition to Ravenswood Open Space Preserve.

Attachments:

1. Resolution Authorizing Acceptance of Right of Way Contract Authorizing General Manager or Other Officer to Execute Certificate of Acceptance of Grant to District, District Grant of Drainage Easement, Authorizing General Manager or General Manager's designee to Execute any and all Other Documents Necessary or Appropriate to Closing of the Transaction (Thornewood Open Space Preserve – California Department of Transportation).
2. Overall Project Location Map
3. Thornewood Location Map
4. Ravenswood Location Map

Responsible Department Manager:
Michael Williams, Real Property Manager

Prepared by:
Iain Reilly, Real Property Agent II

Graphics prepared by:
Tad Hammer, Data Administration

RESOLUTION NO. 18-__

RESOLUTION OF THE BOARD OF DIRECTORS OF THE MIDPENINSULA REGIONAL OPEN SPACE DISTRICT AUTHORIZING ACCEPTANCE OF RIGHT OF WAY EXCHANGE CONTRACT, AUTHORIZING GENERAL MANAGER OR OTHER OFFICER TO EXECUTE EASEMENT DEEDS, AUTHORIZING GENERAL MANAGER OR OTHER OFFICER TO EXECUTE CERTIFICATE OF ACCEPTANCE OF GRANT TO DISTRICT, AUTHORIZING GENERAL MANAGER AND GENERAL COUNSEL TO EXECUTE ANY AND ALL OTHER DOCUMENTS NECESSARY OR APPROPRIATE TO CLOSING OF THE TRANSACTION (RAVENSWOOD AND THORNEWOOD OPEN SPACE PRESERVES - CALIFORNIA DEPARTMENT OF TRANSPORTATION).

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

SECTION ONE. The Board of Directors of the Midpeninsula Regional Open Space District (District) does hereby accept the offer contained in that certain Right of Way Exchange Contract (Agreement) between the California Department of Transportation (State) and the District, a copy of which Agreement is attached hereto and by reference made a part hereof, and authorizes the President of the Board of Directors, General Manager, or other appropriate officer to execute the Agreement and all related transactional documents on behalf of the District to acquire the real property described therein.

SECTION TWO. The General Manager, President of the Board of Directors, or other appropriate officer is authorized to execute the easement deeds to the District and State.

SECTION THREE. The General Manager, President of the Board of Directors, or other appropriate officer is authorized to execute a Certificate of Acceptance for the easement to the District.

SECTION FOUR. The General Manager or the General Manager’s designee is authorized to provide notice of acceptance to the State, execute all title and escrow documents, and to extend escrow if necessary.

SECTION FIVE. The Board of Directors finds and determines that, pursuant to Section 5540.5 of the California Public Resources Code, the granting and acceptance of the easement interests are consistent with Public Resources Code 5540.5, and that the real properties being acquired by the District are of equal or greater value than the real property being transferred to the State, and are necessary to be acquired for open space purposes.

SECTION SIX. 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 Agreement or documents, which are necessary or appropriate to the closing or implementation of this transaction.

* * * * *

PASSED AND ADOPTED by the Board of Directors of the Midpeninsula Regional Open Space District on _____, 2018, 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:

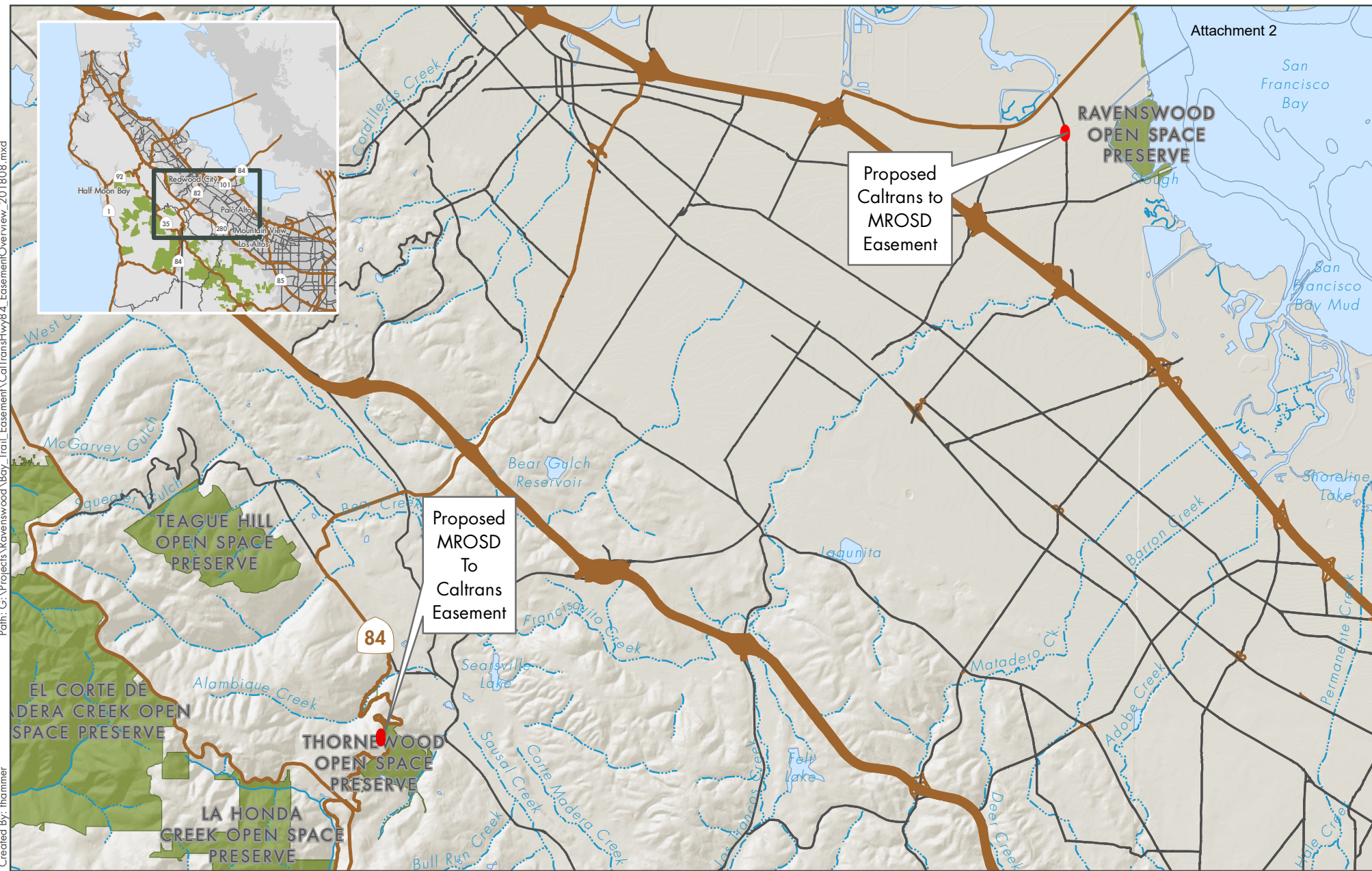
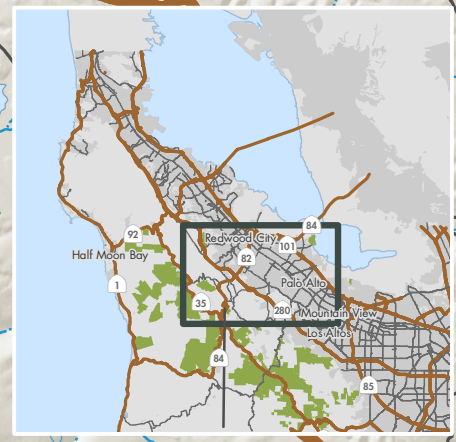
General Counsel

I, the 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.

District Clerk

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Proposed Hwy 84 MROSD/Caltrans Easement Exchange

-  MROSD Preserves
-  Other Protected Lands
-  Private Property
-  Highway
-  Paved Road

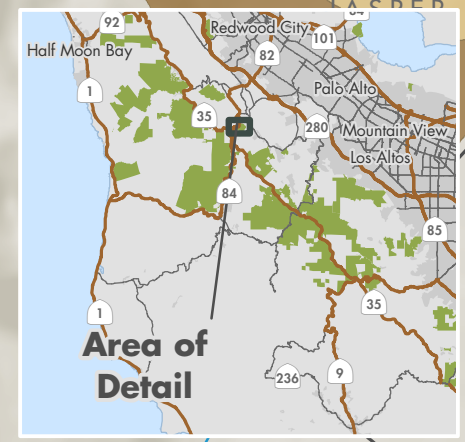
Midpeninsula Regional
Open Space District
(MROSD)
August 2018



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

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Proposed Hwy 84 MROSD to Caltrans Right of Way Easement

- | | | |
|---|---|--|
|  MROSD Preserves |  Highway |  Gate (#) |
|  Other Protected Lands |  Paved Road |  Parking Lot |
|  Private Property |  Unmaintained Road Width |  Trail |
| |  Minor Unpaved Road | |

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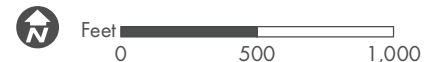
Proposed Bay Trail Connection

Proposed Caltrans to MROSD Easement

Proposed Caltrans to MROSD Trail Easement

- MROSD Preserves
- Other Protected Lands
- Other Public Agency
- City & County of San Francisco Easement
- Existing Bay Trail
- Proposed Trail Centerline
- Wetland

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