



Midpeninsula Regional
Open Space District

CLOSING MEMORANDUM

To: Ana Ruiz, General Manager *(Signature)*
 From: Allen Ishibashi, Sr. Real Property Agent *AI*
 Date: May 6, 2019
 Subject: Cogliandro Property Acquisition, Sierra Azul Open Space Preserve

Escrow closed for the subject transaction on May 3, 2019 and title to and possession of the 1.04-acre parcel passed to the District.

I am not aware of any use and management concerns that were not addressed in the Acceptance of Low Value Interest Memo to the General Manager. Close of escrow marks the final adoption of the Preliminary Use and Management Plan, approved by the General Manager in April of 2019.

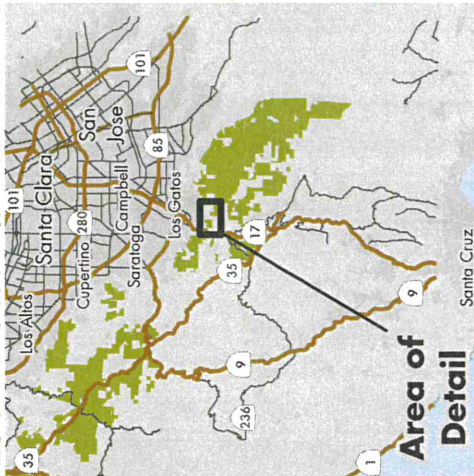
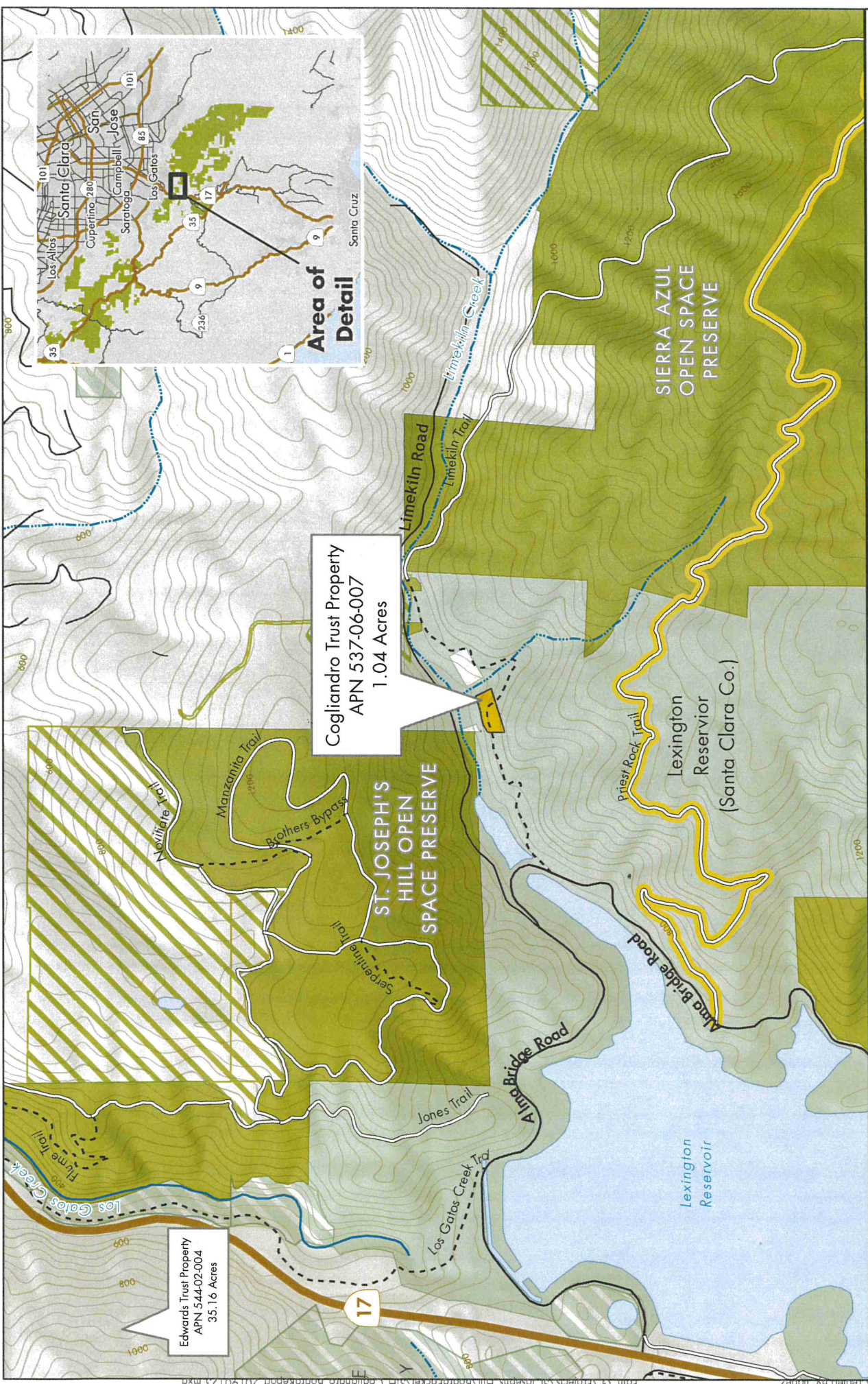
The following chart presents dedication and acquisition details for this property:

| DEDICATION & ACQUISITION INFORMATION | | | | | | |
|--------------------------------------|---|---|-------|--|--|----------|
| Preserve & Area | County & A.P.N. | Grantor | Acres | Ownership Status: (Fee, Easement, Lease, Mgmt Agreement) | Board Approval Date & Resolution Number or General Manager Approval Date | |
| Sierra Azul OSP | Santa Clara 537-06-007 | Cogliandro | 1.04 | Fee | General Manager April 16, 2019 | |
| Closing Date | Mgmt. Status: (Open, Closed, CMU, or Other) | Dedication Date & Status (Intended or Withheld) | Type | Funding | Value | GIS Code |
| May 3, 2019 | Open | Withheld | Cash | \$49,000.00 | \$49,000.00 | 2311 |

| | |
|--------------|--|
| Misc. Notes: | <ol style="list-style-type: none"> 1. Limekiln Trail crosses over the Cogliandro Property. 2. As there was no formal public trail easement over the Cogliandro Property, this purchase helps secure and perfect public access over Limekiln Trail. |
|--------------|--|

Attachment: Property Map

| | | |
|--------------------|---------------------|----------|
| cc: Administration | Land and Facilities | Legal |
| Natural Resources | Visitor Services | Planning |
| Public Affairs | Real Property | GIS |
| Board of Directors | Asst. AGM | |



- Cogliandro Property**
- MROSD Preserves
 - Private Property
 - MROSD Conservation Easement
 - Watershed Land
 - Cogliandro Property
 - Bay Area Ridge Trail

Midpeninsula Regional
Open Space District
(MROSD)
January 2019

Miles 0 0.125 0.25



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.

Edwards Trust Property
APN 544-02-004
35.16 Acres

Cogliandro Trust Property
APN 537-06-007
1.04 Acres

17

ST. JOSEPH'S
HILL OPEN
SPACE PRESERVE

SIERRA AZUL
OPEN SPACE
PRESERVE

Lexington
Reservoir
(Santa Clara Co.)

Lexington
Reservoir

Map labels include: Los Gatos Creek, Limekiln Creek, Limekiln Road, Limekiln Trail, Priest Rock Trail, Alma Bridge Road, Lexington Reservoir, Jones Trail, Los Gatos Creek Trail, Serpentine Trail, Manzanita Trail, Brothers Bypass, and various elevation contours (e.g., 600, 800, 1000, 1200, 1400).



Midpeninsula Regional
Open Space District

ACCEPTANCE OF LOW VALUE INTEREST IN REAL PROPERTY

Property Name: Congliandro

Property Location & APN: Located on Limekiln Trail, Santa Clara County APN 537-06-007.

Property Size: 1.04-acres

Preserve: Sierra Azul Open Space Preserve

Date: April 10, 2019

REAL PROPERTY MANAGER'S RECOMMENDATIONS

1. Determine that the recommended actions are categorically exempt from the California Environmental Quality Act (CEQA) as set out in this Memorandum.
2. Approve the purchase of the Conliandro property under the General Manager's authority.
3. Adopt the Preliminary Use and Management Plan as set forth in the attached Staff Memorandum and name the property as an addition to Sierra Azul Open Space Preserve.

SUMMARY

Midpeninsula Regional Open Space District (District) is proposing to purchase the Cogliandro property containing approximately 1.04-acres and commonly referred to as Santa Clara County Assessor's Parcel Number 537-06-007 at a purchase price of \$49,000. The following report presents a description of the property, a Preliminary Use and Management Plan, the environmental review, purchase terms and conditions, and financial considerations.

DISCUSSION

The Midpeninsula Regional Open Space (District) has negotiated a purchase of the 1.04-acre Cogliandro property ("Property") at a price of \$49,000.00. It is recommended that this Property be accepted by the District General Manager in accordance with Board Policy 4.06, "Certificates of Acceptance and Acquisition of Interest in Low-Value Real Property by the General Manager" Policy 4.06 is attached.

On May 13, 2009, the District Board of Directors adopted amendments to the Open Space Use and Management Planning Policy (see Report R-09-61). Section I includes the following statement:

“When the General Manager is authorized to accept a gift of or acquire low value real property, the General Manager is also authorized to approve the Preliminary Use and Management Plan for the property. The Board of Directors shall be notified in writing of any Preliminary Use and Management Plan so approved at the next regular Board meeting following the acquisition.”

Property Description

The Property consists of one assessor parcel aggregating 15 undeveloped lots from the Camp Wilderness “paper” subdivision, totaling 1.04-acres in unincorporated Santa Clara County. The Property is located in the Kennedy/Limekiln Area of Sierra Azul OSP. The primary access is via Limekiln Trail off of Alma Bridge Road. According to District GIS data, Limekiln Trail bi-sects the Property and there is no record of a public trail easement over the Property. Other than Limekiln Trail, there are no other improvements on the Property.

USE AND MANAGEMENT

Planning Considerations

The property is located within the unincorporated area of Santa Clara County. The Property has a County General Plan designation of Regional Parks and a zoning of Hillside (HS). Per the County’s Zoning regulations, recreation, open space and natural preserves are allowable uses in the HS zoning designation.

Preliminary Use and Management Plan (Next Steps)

The Preliminary Use and Management Plan will take effect at the close of escrow and remain effective until the Plan is amended or a Comprehensive Use and Management Plan or Master Plan is approved for Sierra Azul Open Space Preserve. The Preliminary Use and Management Plan represent a status quo approach to management. The property will be maintained in its current condition, with no changes anticipated. If changes to land use or the physical environment are proposed in the future, the plan would be subject to further environmental review and public input.

| | |
|------------------------------|---|
| Public Access: | Open to the public via Limekiln Trail |
| Signs and Site Security: | Install Preserve boundary signs where appropriate. |
| Structures and Improvements: | None |
| Resource Management: | Monitor property for invasive plants and animals. |
| Agricultural Resources: | None |
| Patrol: | Routinely patrol the property |
| Wildfire Fuel Management: | Implement standard District-wide fuel management and defensible space practices consistent with the District’s resource management practices. |

| | |
|-------------------------|---|
| Roads and Trails: | Implement maintenance and minor erosion and sediment control measures on Limekiln Trail as it crosses the Property in accordance with District standards. |
| Site Safety Inspection: | No known safety hazards exist on the site. |
| Name: | Name the property as an addition to Sierra Azul Open Space Preserve. |
| Dedication: | Withhold from dedication at this time. |

CEQA COMPLIANCE

Project Description

The project consists of the acquisition of approximately 1.04-acres of land containing approximately 300 linear feet of the District's Limekiln Trail as an addition to the Sierra Azul Open Space Preserve and the adoption of a Preliminary Use and Management Plan for the Property. The Property will be permanently preserved as open space, maintained in a natural condition, with no expansion of existing use.

CEQA Determination

The District concludes that this project will not have a significant effect on the environment. It is categorically exempt from CEQA (California Environmental Quality Act) under Article 19, Sections 15316, 15317, and 15325 of the CEQA Guidelines as follows:

Section 15316 exempts the acquisition of land in order to create parks if the site is in a natural condition and the management plan proposes to keep the area in a natural condition. The Preliminary Use and Management Plan specify the property will be operated and maintained in a natural condition and there will be no expansion of use.

Section 15317 exempts the acceptance of fee interests in order to maintain the open space character of an area. The District will acquire fee interest and maintain the open space character of the area. No development is proposed as part of this project.

Section 15325 exempts transfers of ownership of interests in land in order to preserve open space. This acquisition will transfer fee ownership to the District and ensure it will be preserved as public open space by incorporating it into the Sierra Azul Open Space Preserve.

TERMS & CONDITIONS

The 1.04-acre Property is being purchased at a price of \$49,000 on an "as-is" and an all-cash basis. The property value is supported by past sales within the Santa Clara County rural market area and the lack of a formal public trail easement for Limekiln Trail as it crosses the Property.

BUDGET CONSIDERATIONS**2018-19 Budget for New Land Purchases:**

| | |
|---|-------------|
| Cogliandro Property | \$49,000.00 |
| Total land purchases approved to date FY18-19 | \$0 |
| Total Land Purchases (if approved) | \$49,000.00 |

Fiscal Considerations

The acceptance of the Property and addition of the Property to Sierra Azul Open Space Preserve is expected to have a nominal impact on the District's operating budget. All property taxes are current and the District will cancel Santa Clara County property taxes immediately after assuming ownership of the property.

PUBLIC NOTICE

Since no action is being taken by the District Board, this action is not subject to the Brown Act.

NEXT STEPS

After the purchase, the District will manage the former Cogliandro property as an addition to the Sierra Azul Open Space Preserve, in accordance with the Preliminary Use and Management Plan.

Attachments:

Map
Board Policy 4.06

Prepared by:

Allen Ishibashi, Sr. Real Property Agent

Contact person:

same as above

Real Property Manager's Recommendations Accepted by:

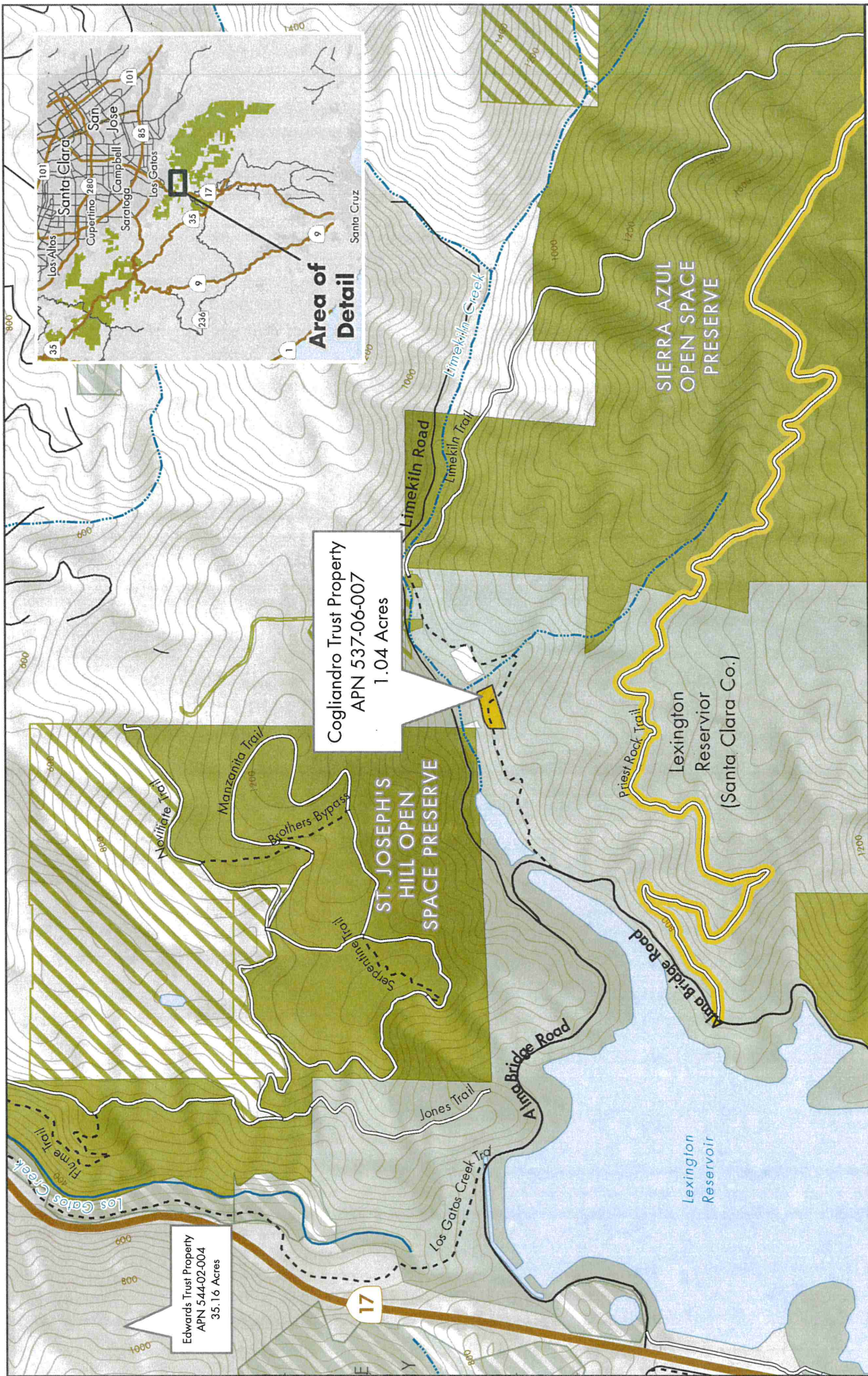


Ana M. Ruiz, General Manager

4-16-19

Date

cc: Board of Directors with Closing Memo as an attachment



Midpeninsula Regional
Open Space District
(MROSD)
January 2019



Cogliandro Property

- MROSD Preserves
- Private Property
- MROSD Conservation Easement
- Watershed Land
- Cogliandro Property
- Bay Area Ridge Trail

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.

Midpeninsula Regional Open Space District

Board Policy Manual

| | |
|---|--|
| Certificates of Acceptance and Acquisitions of Interests in Low-Value Real Property by the General Manager | Policy 4.06 Chapter 4 – Acquisition & Maintenance of District Lands |
| Effective Date: 6/28/91 | Revised Date: 11/13/13 |
| Prior Versions: 6/28/91; 10/8/03; 5/13/09 | |

A. In accordance with Government Code § 27281, Certificates of Acceptance for deeds or grants conveying any interest in or easement upon real estate to the District for public purposes shall be executed as follows:

Certificate of Acceptance. The President of the Board of Directors, or, in his or her absence, the Vice President of the Board of Directors, or the District's General Manager, are hereby authorized to consent to and accept on behalf of the Midpeninsula Regional Open Space District, deeds or grants conveying any interest in or easement upon real property to the District for public purposes and to execute a Certificate of Acceptance as evidence thereof as required by law.

B. Acquisitions of Interests in Low-Value Real Property by the General Manager. The General Manager is hereby authorized to approve the acquisition of an interest in or easement upon real property, or an option to acquire such an interest or easement, on behalf of the Midpeninsula Regional Open Space District provided the following conditions are met:

1. The General Manager determines that the acquisition of such interest in or easement upon real property is necessary or appropriate in order for the District to effectively acquire, plan, maintain and operate its system of open space preserves, and that such acquisition is consistent with all applicable District regulations and policies concerning acquisition of real property; and
2. The purchase price, option price, or, in the case of a gift, the fair market value of the gift, does not exceed the General Manager's authority to expend District funds as provided in Section 5549 (b)(2) of the Public Resources Code and as authorized by the Board of the Directors; and
3. Prior to the General Manager's approval of an acquisition, the District undertakes all acts required by law prior to acquiring real property, including compliance with the California Environmental Quality Act; and
4. After acquisition, the General Manager shall notify the Board of Directors, in writing, of the acquisition or option and place upon the Board of Director's agenda at its regular meeting a Preliminary Use and Management Plan for the real property so acquired. Pursuant to the District's Public Notification Policy, the General Manager may determine that such Plan be

presented to the Board for final adoption, in the event no public comments concerning the proposed plan have been received prior to Board action.