



COUNTY OF SAN MATEO
Inter-Departmental Correspondence

County Manager's Office

DATE: October 12, 2006
BOARD MEETING DATE: November 7, 2006
SPECIAL NOTICE/HEARING: 1 week published
notice
VOTE REQUIRED: 4/5ths

TO: Honorable Board of Supervisors
FROM: Steve Alms, Manager, Real Property Division
SUBJECT: Agreement to Exchange Easements with Wicklow House, the Joint Powers Agency for the Acquisition, Development and Operation of El Granada Quarry Park and Peninsula Open Space Trust affecting County owned real property located in El Granada

RECOMMENDATION:

1. Adopt one Resolution:
 - A. authorizing the President of the Board of Supervisors to execute, on behalf of the County, the Agreement for the Exchange of Easements ("the Agreement") affecting County owned real property in El Granada, and
 - B. authorizing the County Manager or designee to accept or execute notices, consents, approvals, terminations, deeds, escrow instructions and documents required under the Agreement.
2. Adopt another Resolution:
 - A. authorizing the President of the Board of Supervisors to execute, as president of the Board of the Joint Powers Agency For The Acquisition, Development And Operation Of El Granada Quarry Park (the "JPA"), the Agreement for the Exchange of Easements ("the Agreement") affecting El Granada Quarry Park, and
 - B. authorizing the County Manager or designee, on behalf of the JPA, to accept or execute notices, consents, approvals, terminations, deeds, escrow instructions and documents required under the Agreement.

VISION ALIGNMENT:

Commitment: Responsive, effective and collaborative government.

Goals 7 and 22: Maintain the public safety of all residents and visitors and County, and local governments effectively communicate, collaborate and develop strategic approaches to issues affecting the entire County. The Agreement contributes to these commitments and goals by creating clear and limited easement rights effecting County Park and Open Space property.

BACKGROUND:

In 1995, the County acquired approximately 40 acres of land to establish Quarry Park in unincorporated El Granada (APNs 047-340-010 and 047-340-040) and established the Joint Powers Agency for the Acquisition, Development and Operation of El Granada Quarry Park (“JPA”) to manage the park. The board of directors of the JPA consists of the members of the Board of Supervisors. In 2002, County acquired the nearby Mirada Surf property, including APN 047-330-010. When acquired by the County, these properties were subject to a network of easements that were originally created to facilitate the historical use of the parcels as a quarry.

The easements run from State Highway 1 to a 20-acre parcel to the northeast commonly known as the Wicklow House property (047-340-310), after meandering through Mirada Surf, Quarry Park, and an adjacent parcel owned by Peninsula Open Space Trust (“POST”) (APNs 047-340-020 and 047-340-290). In 2003, POST acquired title to the adjacent 470-acre property by donation from Wicklow House, a California General Partnership that is controlled by the O’Neill family. The Wicklow House partnership retains ownership of the historic residence and approximately 20 acres of land, together with separate independent access to the hilltop property.

The historic network of easements includes the right to construct and maintain service roads for truck access over easements that range in width from 50 – 100 feet, and also includes the right to use the easements for private utilities, drainage, landscaping, fencing and construction of appurtenant structures.

The current owners of the parcels desire to limit the allowable use of the easement to emergency access only, and to identify the easement area as the existing 10-foot wide dirt road. The proposed new easement will be used only if the primary access to Wicklow House is temporarily unusable.

DISCUSSION:

The existing easements create a cloud on the title to Quarry Park and Mirada Surf. The Agreement exchanges an existing extensive network of easements affecting the properties owned by the parties for a new easement that will meet the minimal needs for emergency access.

Because the easements affect properties owned separately by the County and the JPA, the Board must act separately on behalf of each of these entities; therefore two resolutions have been presented for action.

Government Code § 25365 authorizes the board of supervisors, by a four fifths vote, to exchange real property of equal value with any person, firm or corporation, for the purpose of removing defects in the title to real property owned by the county.

The Director of the Parks and Recreation Division concurs in this recommendation.

FISCAL IMPACT:

There is no fiscal impact associated with exchanging the easement rights.

cc:/enc: Michael Murphy, Assistant County Counsel
cc: Dave Holland, Director, Parks and Recreation Division
Lee Thompson, Deputy County Counsel