

**COUNTY OF SAN LUIS OBISPO BOARD OF SUPERVISORS  
AGENDA ITEM TRANSMITTAL**

(1) DEPARTMENT Parks and Recreation	(2) MEETING DATE 5/17/2016	(3) CONTACT/PHONE Shaun Cooper 781-4388	
(4) SUBJECT Submittal of a resolution to accept a perpetual easement and to authorize the exchange of real property to relocate a portion of the Juan Bautista de Anza National Historic Trail in the unincorporated area of Santa Margarita. District 5			
(5) RECOMMENDED ACTION Approve the attached resolution thereby: <ul style="list-style-type: none"> <li>a) Declaring that the quitclaimed portion of the County Property is not required for County use and that the New Trail Property is required for County use.</li> <li>b) Declaring that the value of the New Trail Property is greater than seventy-five percent of the value of the quitclaimed portion of the County Property</li> <li>c) Finding this project is not subject to CEQA per CEQA Guidelines, Categorical Exemption 15316, Class 16.</li> <li>d) Authorizing the Chairperson of the Board to execute the Perpetual Easement Agreement Juan Bautista De Anza National Historic Trail.</li> <li>e) Exchanging said interests in real property pursuant to the terms and conditions stated in the Perpetual Easement Agreement.</li> <li>f) Authorizing the Chairperson of the Board to execute a quitclaim deed conveying the County Property to Robin L. Rossi, Trustee of the Robin L. Rossi Living Trust UTD 10-19-90, as to an undivided 20/22 interest; Stephen Michael Rossi and Michele Marie Rossi, Trustees of the Stephen &amp; Michele Rossi Revocable Trust dated May 16, 2004, as to an undivided 1/22 interest; and Paul G. Metchik and Donna J. Myers, Trustees of the 2003 Luke Roger Rossi Irrevocable Trust dated May 20, 2004, as to an undivided 1/22 interest ("Quitclaim Deed").</li> <li>g) Directing the Clerk of the Board to record the Quitclaim Deed and Perpetual Easement Agreement Juan Bautista de Anza National Historic Trail.</li> </ul>			
(6) FUNDING SOURCE(S) N/A	(7) CURRENT YEAR FINANCIAL IMPACT \$0.00	(8) ANNUAL FINANCIAL IMPACT \$0.00	(9) BUDGETED? N/A
(10) AGENDA PLACEMENT <input checked="" type="checkbox"/> Consent <input type="checkbox"/> Presentation <input type="checkbox"/> Hearing (Time Est. ___) <input type="checkbox"/> Board Business (Time Est. ___)			
(11) EXECUTED DOCUMENTS <input checked="" type="checkbox"/> Resolutions <input checked="" type="checkbox"/> Contracts <input type="checkbox"/> Ordinances <input type="checkbox"/> N/A			
(12) OUTLINE AGREEMENT REQUISITION NUMBER (OAR) N/A		(13) BUDGET ADJUSTMENT REQUIRED? BAR ID Number: N/A <input checked="" type="checkbox"/> 4/5 Vote Required <input type="checkbox"/> N/A	
(14) LOCATION MAP Attached	(15) BUSINESS IMPACT STATEMENT? No	(16) AGENDA ITEM HISTORY <input type="checkbox"/> N/A Date: <u>5/11/2010</u>	
(17) ADMINISTRATIVE OFFICE REVIEW David E. Grim			
(18) SUPERVISOR DISTRICT(S) District 5			

# County of San Luis Obispo



TO: Board of Supervisors

FROM: Parks and Recreation / Shaun Cooper 781-4388

DATE: 5/17/2016

SUBJECT: Submittal of a resolution to accept a perpetual easement and to authorize the exchange of real property to relocate a portion of the Juan Bautista de Anza National Historic Trail in the unincorporated area of Santa Margarita. District 5

## **RECOMMENDATION**

Approve the attached resolution thereby:

- a) Declaring that the quitclaimed portion of the County Property is not required for County use and that the New Trail Property is required for County use.
- b) Declaring that the value of the New Trail Property is greater than seventy-five percent of the value of the quitclaimed portion of the County Property
- c) Finding this project is not subject to CEQA per CEQA Guidelines, Categorical Exemption 15316, Class 16.
- d) Authorizing the Chairperson of the Board to execute the Perpetual Easement Agreement Juan Bautista De Anza National Historic Trail.
- e) Exchanging said interests in real property pursuant to the terms and conditions stated in the Perpetual Easement Agreement.
- f) Authorizing the Chairperson of the Board to execute a quitclaim deed conveying the County Property to Robin L. Rossi, Trustee of the Robin L. Rossi Living Trust UTD 10-19-90, as to an undivided 20/22 interest; Stephen Michael Rossi and Michele Marie Rossi, Trustees of the Stephen & Michele Rossi Revocable Trust dated May 16, 2004, as to an undivided 1/22 interest; and Paul G. Metchik and Donna J. Myers, Trustees of the 2003 Luke Roger Rossi Irrevocable Trust dated May 20, 2004, as to an undivided 1/22 interest ("Quitclaim Deed").
- g) Directing the Clerk of the Board to record the Quitclaim Deed and Perpetual Easement Agreement Juan Bautista de Anza National Historic Trail.

## **DISCUSSION**

Since 1991, County Parks has conditioned discretionary projects to provide trail easements consistent with Board adopted plans. On December 19, 2006 the Board adopted the Parks and Recreation Element including specific trail plans and design criteria.

In 2003 a trail easement was offered, as a condition of a subdivision, to County Parks for a section of the Juan Bautista de Anza National Historic Trail, which would eventually connect Garden Farms to Santa Margarita. The County accepted the

easement in 2010. Although the easement was dedicated to the public as a future segment of the Juan Bautista de Anza National Historic Trail, the easement currently dead ends and does not connect the communities of Garden Farms and Santa Margarita.

In recent years, County Parks has been working with the property owners to acquire an additional easement which would complete the connection between Garden Farms and Santa Margarita, since the previously accepted trail easement does not allow for that connection. This proposed trail easement alignment does not utilize a small portion of the previously accepted trail easement and a trail staging area. Under the proposed easement agreement, in addition to accepting the new trail easement and staging area, County Parks will also quitclaim the small dead end portion of the County's previously accepted trail easement and a trail staging area.

Executing this trail easement agreement would not open the easement to the public at this time. Funding for the design, environmental review, permitting, construction and ongoing operation and maintenance would need to be identified prior to this trail being constructed and opened to the public.

Government Code section 25365(b) allows the Board to "by a four-fifths vote, exchange real property . . . where the real property to be exchanged is not required for county use and the property to be acquired is required for county use. The value of any private real property exchanged shall be equal to, or greater than, 75 percent of the value of the county property offered in exchange." The County has determined that the estimated value of the easement being granted to the County over the New Trail Property is equal to or greater than 75% of the value of the County property to be conveyed by quitclaim deed to the property owners and the County will not contribute cash or any other real property to balance the exchange.

As required by Government Code 25365(c), the County published notice of its intent to declare the property surplus at least one week prior to this Board meeting in a newspaper of general circulation published in the county.

#### **OTHER AGENCY INVOLVEMENT/IMPACT**

The Parks and Recreation Commission support the proposed trail easement. County Counsel has reviewed the documents as to form and legal effect.

#### **FINANCIAL CONSIDERATIONS**

The Board's action would not provide funds to design, construct, or maintain a new trail on this easement. The County could incur potential minor liability and County Parks could incur minor maintenance costs such as clearing vegetation from the trail easement for fire control, or posting signage. There have been no additional operating costs incurred to date (other than as stated above) for other previously obtained County trail easements.

#### **RESULTS**

Executing the easement agreement and quit claim deed will enable the future implementation of a portion of the Anza Trail depicted in the County's Parks and Recreation Element, thereby providing healthy and livable communities.

#### **ATTACHMENTS**

- Attachment 1 - Resolution
- Attachment 2 - Categorical Exemption
- Attachment 3 - Perpetual Easement Agreement
- Attachment 4 - Quitclaim Deed
- Attachment 5 - General Plan Conformity Reports
- Attachment 6 - Vicinity Map