



COUNTY OF SAN MATEO
Inter-Departmental Correspondence
County Manager



Date: March 25, 2016

Board Meeting Date: April 26, 2016

Special Notice / Hearing: None

Vote Required: 4/5ths

To: Honorable Board of Supervisors

From: John L. Maltbie, County Manager

Subject: Agreement for the Exchange of Real Property necessary for the completion of the San Francisquito Creek Flood Reduction, Ecosystem Restoration and Recreation Project.

RECOMMENDATION:

Adopt a resolution authorizing the execution of an Agreement for the Exchange of Real Property necessary for the completion of the San Francisquito Creek Flood Reduction, Ecosystem Restoration and Recreation Project.

BACKGROUND:

The San Francisquito Creek Joint Powers Authority (SFCJPA) is working to improve San Francisquito Creek by conducting a 100-year flood protection project downstream of Highway 101. The San Francisquito Creek Flood Reduction, Ecosystem Restoration and Recreation Project ("Project") is designed to better protect properties and infrastructure, and improve habitat and recreation opportunities. The Project impacts Assessor's Parcel Numbers 063-571-060, 063-571-070, and 063-540-270, also known as 1985 East Bayshore Road, located in the City of East Palo Alto. The properties are owned by PS Northern California One, Inc., a Delaware corporation ("PS Northern").

The County currently owns an easement for construction, reconstruction, operation and maintenance of the San Francisquito Creek Channel, together with the right of ingress and egress for maintenance across one of PS Northern's parcels; Assessor's Parcel Number 063-540-270 ("County's Existing Easement"). The County's Existing Easement needs to be moved closer to the Creek for access and maintenance purposes. A small portion of the County's Existing Easement, located furthest from the Creek, is unnecessary for Creek management ("Surplus Easement Area") and a small portion of PS Northern's property that lies adjacent to the Creek is required for the Project and ongoing Creek management ("New Easement Area"). The Surplus Easement Area is

comprised of approximately 2629 square feet and the New Easement Area to be exchanged is comprised of 908 square feet.

To accomplish the exchange, the entirety of the County's Existing Easement will be quitclaimed to PS Northern, as shown on the attached San Francisquito Creek Area Map. In exchange, PS Northern will convey a new easement that represents the County's Existing Easement, less the Surplus Easement Area, plus the New Easement Area ("Proposed Easement"). The Proposed Easement maintains all of the existing rights, but will include a public recreation path, which will be constructed as part of the project and managed by the City of East Palo Alto. PS Northern will convey a Temporary Construction Easement (TCE) to the County to allow the County to complete the necessary work and improvements on PS Northern property.

DISCUSSION:

Government Code section 25365(b) authorizes the Board of Supervisors, by a four-fifths vote, to exchange real property with any person, firm, or corporation where the real property to be exchanged is not required for County use and the real property to be acquired is required for County use. In the event that the property interests are not of equal value, Government Code section 25365(b) further provides that either party may contribute cash or other real assets to balance the transaction. County staff has determined that the real property assets to be exchanged are equal in value such that the transaction is balanced.

The Real Property Services Division has prepared the Agreement for Exchange of Real Property to effectuate the exchange of the County's Existing Easement for the Proposed Easement and to provide for the conveyance of the TCE.

Approval of this action will contribute to the Shared Vision 2025 outcome of a Collaborative Community by allowing the property owner improved use of its private improvements while maintaining the County's right to construct and maintain the San Francisquito Creek Channel.

County counsel has reviewed and approved the agreement and associated documents as to form.

FISCAL IMPACT:

There is no impact to the County General Fund as a result of the Exchange Agreement. Closing and staff costs have been allocated by the Department of Public Works through the San Francisquito Creek Flood Control Zone.

