

RESOLUTION NO. .

BOARD OF SUPERVISORS, COUNTY OF SAN MATEO, STATE OF CALIFORNIA

*** * * * ***

RESOLUTION AUTHORIZING: A) THE COUNTY MANAGER TO EXECUTE A DECLARATION OF COVENANTS AND RESTRICTIONS FOR OAK WOODLAND AND OAK WOODLAND UNDERSTORY HABITAT PRESERVATION (“DEED RESTRICTION”) OVER APPROXIMATELY 4.7 ACRES OF COUNTY OWNED PROPERTY LOCATED AT 200 EDMONDS ROAD IN REDWOOD CITY AND IDENTIFIED AS ASSESSOR’S PARCEL 050-470-050 REQUIRED FOR THE CORDILLERAS HEALTH SYSTEM REPLACEMENT PROJECT (“PROJECT”), IN A FORM SUBSTANTIALLY SIMILAR TO THE ATTACHED; AND B) THE COUNTY MANAGER TO EXECUTE AN EASEMENT EXCHANGE AGREEMENT WITH MIDPENINSULA REGIONAL OPEN SPACE DISTRICT (“DISTRICT”) EXCHANGING A NON-EXCLUSIVE PARKING EASEMENT FOR TEN (10) PARKING SPACES TO SERVE DISTRICT’S PULGAS RIDGE OPEN SPACE RESERVE OVER COUNTY OWNED PROPERTY LOCATED AT 200 EDMONDS ROAD IN REDWOOD CITY AND IDENTIFIED AS ASSESSOR’S PARCEL 050-470-050, FOR AN OUTFALL EASEMENT AND SUBSURFACE EASEMENT REQUIRED FOR THE PROJECT OVER DISTRICT PROPERTY KNOWN AS PULGAS RIDGE OPEN SPACE RESERVE AND IDENTIFIED AS ASSESSOR’S PARCEL NUMBER 050-470-090 IN FORMS SUBSTANTIALLY SIMILAR TO THOSE INCLUDED IN THE EXCHANGE AGREEMENT; AND C) THE COUNTY MANAGER TO EXECUTE AN ENVIRONMENTAL MITIGATION AGREEMENT IN A FORM SUBSTANTIALLY SIMILAR TO THAT ONE INCLUDED IN THE EXCHANGE AGREEMENT, UPON APPROVAL BY COUNTY COUNSEL, AFTER OFFERING DISTRICT THE OPPORTUNITY TO PERFORM A RED-LEGGED FROG MITIGATION PROJECT TO MITIGATE FOR THE BIOLOGICAL IMPACTS OF THE PROJECT, OR ALTERNATIVELY FOR THE COUNTY MANAGER TO EXECUTE AN AGREEMENT TO PURCHASE CREDITS AT A MITIGATION BANK APPROVED BY UNITED STATES FISH & WILDLIFE IN A FORM APPROVED BY COUNTY COUNSEL, IN AN AMOUNT NOT TO EXCEED THREE HUNDRED EIGHTY THOUSAND DOLLARS (\$380,000.00) OR AS PRESCRIBED BY REGULATORY AGENCIES; AND D) THE COUNTY MANAGER, OR DESIGNEE, TO EXECUTE ESCROW INSTRUCTIONS, NOTICES, CONSENTS, APPROVALS, AND ANY OTHER DOCUMENTS, OR MAKE MODIFICATIONS TO THE DOCUMENTS OR AGREEMENTS, IN CONNECTION WITH THE DEED RESTRICTION, EASEMENT EXCHANGE AND ENVIRONMENTAL MITIGATION AGREEMENT

RESOLVED, by the Board of Supervisors of the County of San Mateo, State of California, that

WHEREAS, the Cordilleras Health System Replacement Project (“Project”)

requires the completion of environmental mitigation measures and the construction of certain support facilities that impact the adjacent parcel owned by the MidPeninsula Open Space District ("District"); and

WHEREAS, environmental mitigation measures required by Project include a 4.7-acre deed restriction over oak woodland and creek habitat; native landscaping; creek restoration downstream of the main stormwater outfall, including recontouring to stop downcutting and erosion, replacement of a 48-inch culvert under Edmonds Road with a natural bottomed culvert, and removal of in-channel concrete; and removal of in-channel concrete upstream of the project; and

WHEREAS, the deed restriction over approximately 4.7 acres of bay laurel-oak woodland and creek habitat prevents future development of this portion of the Property in perpetuity; and

WHEREAS, the project requires two easements over District property: 1) a reconstructed Outfall Easement for stormwater and creek flow management and 2) a Subsurface Easement for soil nail underpinnings for site support that will be granted in exchange for the County's conveyance of a parking easement for ten (10) spaces to serve District's Pulgas Ridge Open Space Reserve; and

WHEREAS, the exchange can be executed provided the property to be acquired is required for County and this Board finds that the property interests are required for the Project; and

WHEREAS, there has been presented to this Board for its consideration and acceptance a Deed Restriction and Easement Exchange Agreement that includes a non-exclusive Parking Easement for ten (10) parking spaces to serve Pulgas Ridge Open Space Reserve that will be exchanged for an Outfall Easement and Subsurface

Easement and a Mitigation Agreement for red-legged frog habitat; and

WHEREAS, this Board has been presented with the Deed Restriction and Easement Exchange Agreement and has examined and approved the Deed Restriction and Agreement and desire to execute these documents.

NOW THEREFORE, IT IS HEREBY DETERMINED AND ORDERED AS FOLLOWS:

A) That the County Manager be, and is hereby, authorized and directed to execute a Declaration of Covenants and Restrictions for Oak Woodland and Oak Woodland Understory Habitat Preservation ("Deed Restriction") over 4.7 acres of County owned property located at 200 Edmonds Road in Redwood City and identified as Assessor's parcel 050-470-050 required for the Cordilleras Health System Replacement Project ("Project"), in a form substantially similar to the attached;

B) That the County Manager be, and is hereby, authorized and directed to execute an an Easement Exchange Agreement with Midpeninsula Regional Open Space District ("District") exchanging a non-exclusive parking easement for ten (10) parking spaces to serve District's Pulgas Ridge Open Space Reserve over County owned property located at 200 Edmonds Road in Redwood City and identified as Assessor's parcel 050-470-050, for an Outfall Easement and Subsurface Easement required for the Project over District property known as Pulgas Ridge Open Space Reserve and identified as Assessor's Parcel Number 050-470-090, in forms substantially similar to those included in the Exchange Agreement; and

C) That the County Manager be, and is hereby, authorized and directed to execute an Environmental Mitigation Agreement in a form substantially similar to that one included in the Exchange Agreement, upon approval by County counsel,

after offering District the opportunity to perform a Red-Legged Frog mitigation project to mitigate for the biological impacts of the Project, or alternatively for the County Manager to execute an agreement to purchase credits at a mitigation bank approved by United States Fish & Wildlife, in a form approved by County counsel, in an amount not to exceed Three Hundred Eighty Thousand Dollars (\$380,000.00) or as prescribed by regulatory agencies; and

D) That the County Manager, or designee, is hereby authorized to execute on behalf of the County escrow instructions, notices, consents, approvals, and any other documents, or make modifications to the documents or agreements, in connection with the Deed Restriction, Easement Exchange and Environmental Mitigation Agreement as needed to comply with the intent of this Resolution and the Agreement.

* * * * *