



April 13, 2010

Board of Directors  
Marin County Open Space District  
Marin County Civic Center  
San Rafael, California 94903

**SUBJECT: REQUEST TO AUTHORIZE PRESIDENT TO EXECUTE CERTIFICATES OF ACCEPTANCE FOR FEE INTEREST IN LAND, A CONSERVATION EASEMENT, AND A PUBLIC TRAIL EASEMENT IN THE MARIN COUNTRY CLUB ESTATES UNIT 3 SUBDIVISION, END OF FAIRWAY DRIVE, NOVATO**

Dear Board Members:

**RECOMMENDATION:**

1. Authorize the President to execute a Certificate of Acceptance for a 20 foot wide public access easement over Fairway and Spyglass Drives in the Marin Country Club Estates Unit 3 Subdivision, Novato.
2. Authorize the President to execute a Certificate of Acceptance for a conservation easement encumbering lots 8 through 11, 15 through 18, and 25 through 37 in the Marin Country Club Estates Unit 3 Subdivision, Novato.
3. Authorize the President to execute a Certificate of Acceptance for the fee acquisition of lots 12 through 14 and 19 through 24 in the Marin Country Club Estates Unit 3 Subdivision, Novato

**SUMMARY:** On March 26, 2002, your Board entered into an Irrevocable Transfer Agreement with MCCE Development LLC whereby MCCE Development agreed to convey to the District, and the District agreed to accept, the above mentioned property interests. (See attached agreement and map.) Approval of the recommended actions would enable the District to fulfill its obligations pursuant to the agreement. Highlights of the proposed acquisitions, which would come at no cost to the District, are summarized below:

***20 foot wide maintenance vehicle and public access easement***

- Would replace the undeveloped public right-of-way currently held by the City of Novato through the subdivision along Fairway Drive extension and Spyglass Drive, thereby ensuring continued public and maintenance vehicle access to the Ignacio Valley Open Space Preserve from the end of Fairway Drive.
- The alignment of the easement incorporates an existing ranch road and a social trail along the South Fork of Arroyo San Jose. A social trail follows the alignment of the easement along the North Fork of Arroyo San Jose.

- The easement allows public hiking, equestrian and bicycle use. However, public use of the property's existing road and trails would be guided by current District trail policies.

***Fee acquisition of lots 12 through 14 and 19 through 24***

- Acreage: approximately 16
- Acreage would become part of the Ignacio Valley Open Space Preserve, which surrounds the subdivision.
- Those portions of the lots adjacent to Arroyo San Jose are relatively flat and consist primarily of grassland, some of which has been disturbed by grading operations that occurred episodically over the past 20 years. The remainder of each lot is primarily mature oak-bay woodland.

***Conservation easement encumbering lots 8 through 11, 15 through 18, and 25 through 37***

- Acreage: approximately 20
- District would have ongoing responsibility to monitor the conservation easement to ensure compliance with its terms.
- Landowner, not District, would have responsibility for management of the lots, some of which display slope instability and moderate to severe stream bank erosion.
- Lots encumbered with a conservation easement consist primarily of mature oak-bay woodland.

***Additional background information:***

- In 1992, your Board approved the acquisition of several parcels in the subdivision, amounting to 37 acres, from a previous landowner.
- The local community eagerly looks forward to the preservation of the property, which has been proposed for development since the late 1980s and which has been the subject of litigation between the landowner and the City of Novato for most of the past decade.

**FISCAL IMPACT:** The District will incur one-time costs to secure the property, install signage and install entry improvements to facilitate public access. The District anticipates that maintenance and management costs per acre for this property will be consistent with the average cost per acre for other District preserves. The District will incur costs associated with assembling the baseline documentation associated with the conservation easement, and for annual easement monitoring. The District's current budget has sufficient funding to cover these costs. The District may, in the future, incur costs associated with enforcing the conservation easement. Such costs cannot be determined at this time.

<b>REVIEWED BY:</b>	<input type="checkbox"/> Auditor-Controller	<input checked="" type="checkbox"/> N/A
	<input checked="" type="checkbox"/> County Counsel	<input type="checkbox"/> N/A
	<input type="checkbox"/> Human Resources	<input checked="" type="checkbox"/> N/A

Respectfully submitted,

Ronald Miska  
Deputy Director

c: Ron Paolini  
Brian Sanford  
Matt Bronson  
Parks and Open Space Commission  
Press