

**County of Santa Clara**  
**Parks and Recreation Department**



24-4364

**DATE:** February 27, 2024 (Item No. {{item.number}})

**TO:** Board of Supervisors

**FROM:** Don Rocha, Director, Parks and Recreation Department

**SUBJECT:** Public Hearing – Intent to Purchase Real Property located off Congress Springs Road adjacent to Sanborn County Park (Parks and Recreation Department)

**RECOMMENDED ACTION**

Public Hearing to consider approval of purchase of real property for a public park purpose located off Congress Springs Road, in unincorporated Santa Clara County, known as Assessor's Parcel No. 517-04-030 (APN), from Paul Yuan-Shen Lin and Jenny Shiu-Ching Ling as Trustees of the Lin Living Trust dated August 31, 1992, Shing Mao, Kuang-Yuan Soong, and An-Fung Wu. California Environmental Quality Act (CEQA): Exempt from CEQA pursuant to Sections 15315 and 15325 of the CEQA Guidelines. (Parks and Recreation Department) (LA-1)

Possible action:

- a. Open public hearing and receive testimony.
- b. Close public hearing.
- c. Adopt Resolution to consummate purchase of real property located off Congress Springs Road adjacent to Sanborn County Park in unincorporated Santa Clara County APN 517-04-030, making related findings, and delegating authority to the County Executive, or designee, to execute all documents and agreements necessary to consummate the purchase. Delegation of authority shall expire on February 28, 2025.
- d. Approve Request for Appropriation Modification No. 160 - \$880,502 transferring funds within the Parks and Recreation Department budget, relating to the acquisition for a public park purpose.

**FISCAL IMPLICATIONS**

Approval of the proposed acquisition will have no impact on the General Fund. The appropriation would be funded through the Park Charter Land Acquisition Holding Account. The funding request of \$880,502 includes \$730,502 for the purchase of the real property, as well as \$150,000 to cover closing costs, due diligence costs, and near-term property management costs. These additional costs include the title, environmental assessment, and, if necessary, remediation and survey work, as well as measures necessary to secure the property

through fencing, vegetation management, erosion control, property access improvements for patrol, site planning necessary to evaluate future uses, and all other matters related to securing and protecting the County interest in this property acquisition. These expenses are based upon preliminary estimates, and if subsequent due diligence reveals additional funding needs, the Parks and Recreation Department will return to the Board at a future date to request authorization.

### **CONTRACT HISTORY**

At the January 23, 2024, Board of Supervisors meeting (Item No. 84) the Board adopted a Resolution of Intent finding that the purchase of real property located off Congress Springs Road, in unincorporated Saratoga, County of Santa Clara County, California, Assessor's Parcel No. 517-04-030, is exempt from the California Environmental Quality Act and issuing a notice of intent to purchase the property from Paul Yuan-Shen Lin and Jenny Shiu-Ching Ling as Trustees of the Lin Living Trust dated August 31, 1992, Shing Mao, Kuang-Yuan Soong, and An-Fung Wu (collectively, "Seller").

Sections 25350 and 6063 of the California Government Code require that a notice of the Board's intended action be published for at least three successive weeks in a newspaper of general circulation in Santa Clara County before the Board may take final action to purchase real property. Three publications in a newspaper regularly published once a week or more frequently, with at least five days intervening between the respective publication dates not counting such publication dates, are sufficient. The aforementioned Resolution of Intent directed the Clerk of the Board to publish such notice in accordance with the Government Code, and the notice requirements were complete prior to the February 27, 2024, Board meeting.

### **REASONS FOR RECOMMENDATION AND BACKGROUND**

The Parks and Recreation Department ("Department") is recommending purchase of the 103-acre "Madrone Hill" property, APN 517-04-030, located off Congress Springs Road, unincorporated Saratoga, County of Santa Clara, California ("Property") from Paul Yuan-Shen Lin and Jenny Shiu-Ching Ling as Trustees of the Lin Living Trust dated August 31, 1992, Shing Mao, Kuang-Yuan Soong, and An-Fung Wu (collectively, "Seller") for various reasons.

The Department seeks to implement Board direction and continue to acquire lands that augment the County Parks system by contributing toward public access, expansion of adjacent parks and open space areas, open space protection and preservation, and park trail connectivity.

Acquisition of the Property conforms with the Board-approved Countywide Trails Master Plan for Santa Clara County Parks and the Parks and Recreation Element of the County's General Plan. As depicted in Exhibit A (Map of the Property) in Attachment A (Resolution) the Property is located adjacent to Sanborn County Park. Acquisition of the Property would therefore augment the County Parks system by contributing to trail connectivity, public access, and expansion of adjacent park and open space areas for the preservation of habitat and contribution to climate resiliency. More specifically, the Property has the potential to

enable public access to a currently closed area of Sanborn Park. Acquisition of the Property would improve staff access for patrol and management of the property and improved public access to an historic site.

#### *Reason for Request of Delegation of Authority*

This request for delegation of authority is necessary to allow the Administration to take actions required to timely consummate and close the transaction, following review and approval by the County Counsel as to form and legality, and approval by the Office of the County Executive. Closing a real estate transaction requires rapid turnaround of real estate documents on short notice and review of real estate legal matters such as conveyance documents and state of title, and notarized signatures.

#### *Property Description*

The 103-acre Madrone Hill Property is situated between Sanborn County Park to the east and south, Savannah-Chanelle Winery to the north, and bordered on the western edge by Bonjetti Creek. Onsite vegetation is heavily treed and includes a variety of species possibly including redwood, fir, and oak, which is typical for the area. The Property is part of the hillside zoning district which is ideal for preserving mountainous lands and to promote those uses which support and protect wise use of natural resources. There is not, and has not been, any development on this property that would need inspections, repairs, or removal.

The Sellers of the Property engaged a broker to list the Property for sale on the Multiple Listing Service. The Department entered into a non-binding letter of intent with the Sellers for purchase of the Property, for \$730,502, after completion of an appraisal, subject to due diligence and Board approval.

#### **CHILD IMPACT**

The recommended action will have a positive impact on children and youth once a future trail is developed.

#### **SENIOR IMPACT**

The recommended action will have a positive impact on seniors once a future trail is developed.

#### **SUSTAINABILITY IMPLICATIONS**

The recommended action will have positive sustainability implications as it will contribute toward land preservation.

#### **CONSEQUENCES OF NEGATIVE ACTION**

The County would not acquire the Property and would forego the opportunity to augment Sanborn County Park. The County would not be guaranteed future opportunity to develop a public access trail to a currently closed historic site within Sanborn County Park. This Property could be sold to a private buyer for development, thus eliminating the opportunity

for potential for park expansion.

### **STEPS FOLLOWING APPROVAL**

- Send notification to Linda Zimmer, Parks and Recreation.
- Send an electronic copy of the fully executed Resolution and Purchase and Sale Agreement to Linda Zimmer. Parks will distribute the executed agreement to the Sellers.
- For the administrative record, retain fully executed Purchase and Sale Agreement.

### **ATTACHMENTS:**

- Attachment A – Resolution to Consummate Purchase of Madrone Hill Property
- Attachment B – F-85 #160 Madrone Hill Property Acquisition
- Attachment C – Jan 23 2024 BOS Item No. 84