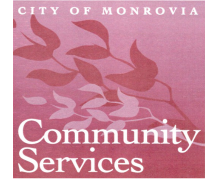




**CITY OF MONROVIA
COMMUNITY SERVICES COMMISSION
AGENDA REPORT**



DEPARTMENT: Public Services

MEETING DATE: April 12, 2016

PREPARED BY: Tina Cherry, Director

AGENDA LOCATION: AR-1

TITLE: Update on Access into the Hillside Wilderness Preserve

OBJECTIVE: To provide the Community Services Commission with a report on the City Councils approval of the Purchase and Sale Agreements (PASAs) with the Dolores Hanson Reid Living Trust (Reid) and Tyler Baze (Baze) to acquire the easements required to allow for access into the Hillside Wilderness Preserve through the Cloverleaf Access Point.

BACKGROUND: On July 11, 2000, in response to proposed residential development in our hillsides, Monrovia voters approved Measure A (with 84% of the vote) and Measure B (with 77% of the vote). The adoption of Measure A created the “Hillside Wilderness Preserve” and “Hillside Recreation” zoning designations, while approval of Measure B imposed a base tax on Monrovia properties that generated \$10 million to be paid back over 30 years in order to fund the acquisition of privately held hillside properties. Measure B also authorized the collection of \$80,000 per year for hillside maintenance efforts.

Subsequent to the approval of Measure A and Measure B, in order to help prioritize the hillside properties that should be purchased and to assist with obtaining grant funds, the City formed the Wilderness Preserve Steering Committee. Between 2000 – 2004, a total of forty-eight (48) public meetings were held to discuss hillside and open space related issues.

Eventually, the City leveraged the monies generated from Measure B to obtain additional grant funding which was ultimately used to acquire eleven (11) privately owned hillside properties at a total cost of more than \$24 million. These purchases resulted in the City gaining ownership of 1,416-acres of hillside property that have since been designated as the Monrovia Hillside Wilderness Preserve (HWP).

In 2005, the City began work on development of a Resource Management Plan (RMP) for the HWP properties owned by the City. The RMP was intended to serve as a blueprint outlining how the City would manage the HWP, taking into account environmental impacts, public access, and the need to implement management practices to achieve established goals for the public space.

Working with a firm called LSA Associates, Inc., the City developed an initial RMP which was adopted by the City Council in early 2009. However, after the City was served with a “Notice of Intent to File a Lawsuit” in mid-2009 over that action, the City rescinded its approval of the RMP and began the process of preparing a full Environmental Impact Report (EIR) to study the impacts that the plan would have on the environment.

The City hired a new firm called PCR in 2010 to assist with developing both an updated RMP and a full EIR regarding our HWP. After several years of work, on February 7, 2012, the City Council approved Resolution No. 2012-07, certifying and adopting the Final EIR for the HWP RMP.

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Pursuant to the approved EIR for the RMP, the City identified four formal access points into the HWP at the following locations:

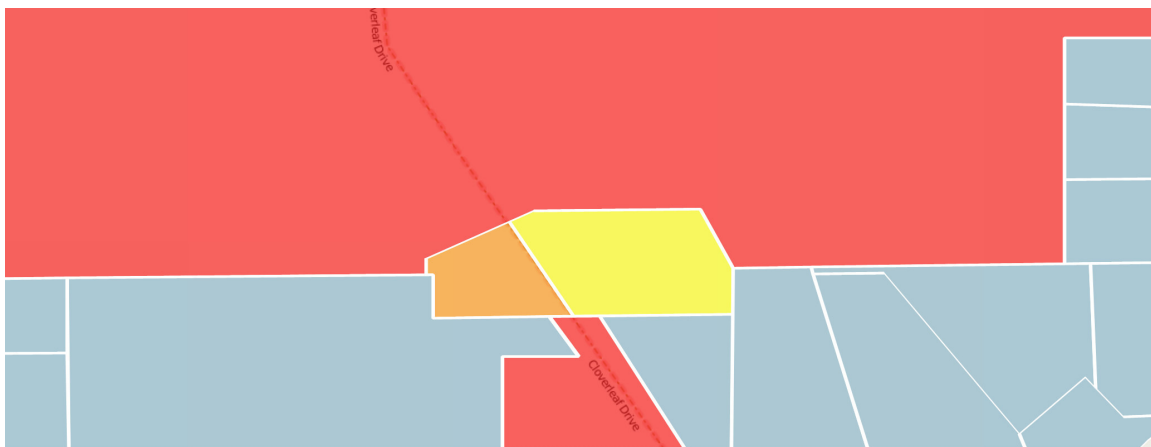
1. Highland Access Point
2. Sleepy Hollow Access Point
3. Ridgeside Access Point
4. Cloverleaf Access Point

Of the four identified access points, easement issues currently exist at the Cloverleaf Access Point (CAP) which have prohibited the public from accessing the HWP at that location. In order to resolve the situation, the City has considered a number of different mechanisms to acquire the needed easement at the CAP, including the possible use of eminent domain.

However, after further examining the process, timelines, and costs associated with the use of eminent domain, the City decided to first engage in additional discussions and negotiations with the property owners and the residents living adjacent to the CAP, who have over the years expressed concerns regarding the potential impacts to their neighborhoods should the access point be opened without adequate mitigations in place.

Given this approach, staff has engaged in multiple discussions with numerous stakeholders during the past year to determine mechanisms through which the requisite easements could be obtained while simultaneously addressing resident concerns regarding opening the CAP. Based on that work, the City is now in the process of implementing an overall neighborhood protection strategy that was developed in concert with a resident committee made up of individuals living on Hidden Valley Road adjacent to the CAP. The primary components of that strategy involve implementing on-street parking restrictions on Hidden Valley Road.

In addition, staff engaged in negotiations with the two property owners (Baze and Reid) from whom the City would have to obtain easements in order to provide public access through the CAP. The easement issues are visually articulated in the map below, where the properties outlined in red are owned by the City, the property outlined in orange is owned by Baze, and the property outlined in yellow is owned by Reid.



ANALYSIS: In order to provide access into the HWP through the CAP, it was necessary for the City to obtain the legal right to travel on property currently owned by Baze and Reid. As the City assessed the different options available, the City worked to obtain an easement from both of the identified property owners that would result in the establishment of an eleven (11) foot wide easement on which access

into the HWP could be achieved. More specifically, in order to open the CAP, the City needed to acquire the following easements:

- A five (5) foot wide easement that traverses 177.73 feet from Baze (property highlighted in orange above), which totals approximately 883 square feet.
- A six (6) foot wide easement that traverses 177.73 feet from Reid (property highlighted in yellow), which totals approximately 1,075 square feet.

Based on detailed negotiations that took place during the course of the past several months, both Baze and Reid agreed to sell the City the easements required to establish access into the HWP through the CAP, pursuant to the following terms:

- **Purchase of the Required Easements**
 - The easement to be acquired from Baze will be purchased for \$175,000.
 - The easement to be acquired from Reid will be purchased for \$175,000.
- **Installation of Capital Improvements**
 - The City will install two (2) electric access control gates on Cloverleaf Drive.
 - The first gate shall be located on Cloverleaf Drive where Cloverleaf Drive splits off from Hidden Valley Road.
 - The second gate shall be installed on either the easements being acquired or on City owned property in-between the property owned by Baze and Reid.
 - The City will install a set of locking mailboxes for the residents of Cloverleaf Drive.
 - The City will install a public drinking fountain on City property located north of the facility known as Fire Station 103.
 - The City will install a public trash receptacle on City property located north of the facility known as Fire Station 103.
 - Within a 500 foot radius from the Baze and Reid properties, the City will only install signage that is approved by Baze and Reid.
 - The City will develop mechanisms to divert pedestrian and bicycle traffic into and out of the HWP through the CAP onto the existing access trail located just west of the City's Cloverleaf Canyon Reservoir.

Pursuant to the PASAs that have been negotiated with Baze (Attachment A) and Reid (Attachment B), the City will open an escrow account to manage the overall transaction. Within seven days after the execution of the PASAs, the City will deposit the funds for acquiring the easements into escrow, while Baze and Reid will deposit the executed easements into escrow. Once the City completes installation of the identified capital improvements, the funds will be released to Baze and Reid while the executed easements will be granted to the City.

In addition, it should be noted that based on an assessment conducted by staff, it is estimated that the identified capital improvements associated with this transaction can be completed by the City in a 3 – 6 month time frame.

ENVIRONMENTAL IMPACT: Approval of the PASAs with Baze and Reid will result in the formal establishment of the CAP as an entry point into the HWP. On February 7, 2012, the City Council certified the Final Environmental Impact Report (EIR) for the Hillside Wilderness Preserve Resource Management Plan by adopting Resolution No. 2012-07, and the CAP was identified in that approved EIR as one of the access points into the overall HWP.

FISCAL IMPACT: Pursuant to the terms of the PASAs negotiated with Baze and Reid, the acquisition cost for the CAP easements is \$350,000. In addition, staff has conducted preliminary analysis to determine the estimated cost for installing the improvements at the CAP as identified in the PASAs. Furthermore, in a related effort, staff has been working to develop cost estimates for improvements at the Ridgeside Access Point (RAP) into the HWP.

Based on those identified capital improvements, staff estimates that the total capital improvement costs at both the CAP and the RAP will be between \$50,000 – \$100,000. The cost estimates for the identified capital improvements includes the following:

- Gate installation cost (a total of four gates between the CAP and the RAP)
 - Estimated cost of \$40,000 – \$80,000, depending on gate design and access to electricity
- Water fountain installation at CAP
 - Estimated cost of \$2,500
- Mailbox installation at CAP
 - Estimated cost of \$1,500
- Trail upgrades / signage at CAP
 - Estimated cost of \$5,000

Given the easement acquisition costs and capital improvement listing, a total of \$400,000 – \$450,000 will be needed to complete the overall initiative. Staff has conducted a detailed financial analysis of our Hillside Wilderness Preserve Fund (Fund 713) and the monies needed to acquire the CAP easements and to install the capital improvements identified above are available.

Excluding the annual allocation of around \$80,000 for maintenance of the HWP, the City currently has a base fund balance of around \$320,360 in our Hillside Wilderness Preserve Fund. In addition, based on the recent refinancing of our Hillside Wilderness Preserve Bonds (which was approved by the City Council on January 20, 2015), the savings realized from that refinancing have resulted in the realization of an annual budget surplus of around \$166,020 after accounting for our annual debt service payments. This means that by the end of Fiscal Year 2016-17, the Hillside Wilderness Preserve Fund will have an estimated fund balance of \$486,380.

It is also important to note that from an ongoing perspective, allocating an amount not to exceed \$450,000 towards acquiring the CAP easements and installing identified capital improvements at the CAP and the RAP will not render the Hillside Wilderness Preserve Fund insolvent. In each subsequent year until the Hillside Wilderness Preserve Bonds are paid off in December 2031, the Hillside Wilderness Preserve Fund will accrue an additional budgetary surplus of around \$165,000 annually. These funds can be used towards additional activities to benefit the HWP, either through enhanced maintenance / monitoring activities or for acquiring additional properties for inclusion into the HWP.

Given the availability of the funds and the identified priority to expedite the opening of the CAP, staff recommended and Council authorized the City Manager to expend an amount not to exceed \$450,000 to acquire the CAP easements and install the identified capital improvements at the CAP and the RAP.

RECOMMENDATION: Staff recommends that the Community Services Commission move to receive and file this report.

COMMISSION ACTION REQUIRED: If the Community Services Commission concurs, the appropriate action would be a motion to: ***Receive and file AR-1 Update on Access into the Hillside Wilderness Preserve.***