




**EAST BAY REGIONAL PARK DISTRICT
BOARD OF DIRECTORS MEETING
AGENDA STAFF REPORT**

DATE	November 5, 2024
TITLE	Authorization to Grant a Public Access Easement to the City of Fremont for Morrison Canyon Road Vehicle Turnaround: Vargas Plateau Regional Park
DIVISION	Acquisition, Stewardship, and Development
FROM	Becky Bremser, Chief of Land Acquisition Ken Wysocki, Assistant General Manager of Acquisition, Stewardship & Development
APPROVED	Sabrina Landreth, General Manager 

RECOMMENDATION

The General Manager recommends that, by a 4/5ths vote, the East Bay Regional Park District (Park District) Board of Directors authorize staff to grant a 2,911 square-foot public access easement to the City of Fremont (City) for the already-constructed vehicular turnaround on the eastern end of Morrison Canyon Road, built as required by the 2017 Settlement and Release Agreement.

Public Resources Code Section 5540.6 requires a 4/5ths vote. If all six (6) Board Members are in attendance, then approval of this action will require an affirmative vote by at least five (5) Board Members.

BACKGROUND

In April 2017, the Park District executed a Settlement and Release Agreement with two neighbors to address Vargas Plateau Regional Park access issues on Morrison Canyon Road in Fremont. Among other access and safety improvements, the Agreement required the Park District to construct a paved vehicle turnaround at the eastern end of upper Morrison Canyon Road, where the City has a road right-of-way over Park District property. The paved vehicle turnaround was constructed in 2018. A portion of the vehicle turnaround lies outside the City's property and on the southwest corner of the Park District-owned "Tavares Property" on Alameda County APN 507-0761-004-02. The City granted the Park District an Encroachment Permit for the project, and this Permit required the Park District to ultimately grant an easement to the City to formalize permanent public access, use, and maintenance responsibilities of the entire vehicular turnaround.

The Park District Survey Unit has surveyed the vehicular turnaround and provided a legal description to the City, who have subsequently drafted an acceptable easement document. With Board of Directors authorization, the General Manager will sign the easement and the City will record the easement with the Alameda County Clerk's office.

ANALYSIS

The underlying Tavares Property was declared dedicated parkland in 1999 pursuant to Board Resolution No. 1999-12-303. In accordance with California Public Resources Code 5540.6, any grant or conveyance of real property of dedicated parkland must be to another public agency and be approved by a 4/5ths vote of Board Directors. Additionally, under Public Resources Code Section 5540.6, the Park District may convey an easement so long as the City undertakes a recorded written agreement to continue to use the easement area for park purposes. This easement covering the turnaround is required as part of the Settlement that allowed the Park District to open Vargas Plateau Regional Park for public access, which is for park purposes, thus consistent with state law.

FISCAL IMPACT

There are no direct costs associated with renewal of the license agreement, other than staff time.

ATTACHMENT

Map



**EAST BAY REGIONAL PARK DISTRICT
RESOLUTION NO. 2024 – 11 -
NOVEMBER 5, 2024**

**AUTHORIZATION TO GRANT A PUBLIC ACCESS EASEMENT TO THE CITY OF
FREMONT FOR MORRISON CANYON ROAD VEHICLE TURNAROUND: VARGAS
PLATEAU REGIONAL PARK**

WHEREAS, in April 2017, the East Bay Regional Park District (Park District) executed a *Settlement and Release Agreement* with two neighbors to address Vargas Plateau Regional Park access issues on Morrison Canyon Road in Fremont; and

WHEREAS, among other access and safety improvements, the agreement required the Park District to construct a paved vehicle turnaround on Park District property at the eastern end of upper Morrison Canyon Road; and

WHEREAS, the paved vehicle turnaround was constructed on the southwest corner of the Park District-owned and dedicated “Tavares Property” at Alameda County APN 507-0761-004-02, and subsequently inspected and approved by City of Fremont (City) staff; and

WHEREAS, a portion of the vehicle turnaround is within the City’s roadway easement, and therefore construction required an Encroachment Permit from the City. One of the terms of that Encroachment Permit was that the Park District would grant a public access easement to the City, to secure permanent public access and facilitate the City’s long-term maintenance of the vehicle turnaround; and

WHEREAS, Section 5540.6 of the Public Resources Code enables the Park District to convey dedicated parkland provided the grantee of the conveyed property continues to use the property for park purposes and records such an agreement on title;

NOW, THEREFORE BE IT RESOLVED, that the Board of Directors of the East Bay Regional Park District hereby authorize staff to grant a 2,911 square-foot public access easement to the City of Fremont for the newly constructed vehicular turnaround on the eastern end of Morrison Canyon Road as presented to the Board on November 5, 2024; and

BE IT FURTHER RESOLVED, that the General Manager is hereby authorized and directed, on behalf of the Park District and in its name, to execute and deliver such documents and to do such acts as may be deemed necessary or appropriate to accomplish the intentions of this resolution.

Moved by Director _____, and seconded by Director _____, and adopted November 5, 2024, by the following vote:

FOR:

AGAINST:
ABSTAIN:
ABSENT: