

**TOWN OF FAIRFAX
STAFF REPORT**

To:	Mayor, Members of the Town Council
From:	Jack Judkins, Co-Chair Fairfax Open Space Committee
Date:	September 5, 2012
Subject:	Authorization for Open Space Committee to Initiate Negotiations for Real Property Acquisition: Assessor's Parcel Nos. 001-193-07, 001-193-09 and 001-193-003

RECOMMENDATION

The Fairfax Open Space Committee (FOSC) recommends that the Town Council authorize members of FOSC to initiate negotiations on behalf of the Town for acquisition of three parcels as open space.

BACKGROUND

The Town created the Fairfax Open Space Committee (FOSC) by resolution in 2004. Under that resolution, FOSC is charged with the responsibility "to determine the availability of unique, threatened, or environmentally sensitive land parcels that may be appropriate to acquire to hold in perpetuity as dedicated open space for the public".

In April 2012, FOSC was contacted by Rick Holland, the realtor for Neil Reed, the owner of three vacant, undeveloped lots located on or near Upper Ridgeway Avenue: Assessor's Parcel Nos. 001-193-07, 001-193-09 and 001-193-003 (the "Property"). Mr. Holland indicated that Mr. Reed was interested in negotiation of the sale of the lots to the Town for open space purposes, before putting them on the open market.

At the June 6, 2012 meeting of the Town Council, the FOSC Chair, Mimi Newton, made a presentation concerning the Property to the Council. She presented photographs and a description of the Property and indicated the FOSC interest in pursuing potential acquisition of the Property by the Town. At its meeting of July 24, 2012, FOSC voted unanimously to seek Town Council approval to undertake negotiations for acquisition of the Property.

DISCUSSION

The Property consists of three parcels: two merged parcels (the "Acquisition Parcel") totaling 16,416 square feet (0.3769 acres) and one separate parcel (the "Donation Parcel") of 7,680 square feet (0.1763 acres). FOSC is primarily interested in the

Acquisition Parcel. The Donation Parcel might be donated to the Town, if the Town purchases the Acquisition Parcel.

The Acquisition Parcel is located on the east side and near the end of the short, narrow paved segment of Upper Ridgeway Avenue, which extends north from the junction of Willow and Chester Avenues. The Donation Property is on the northern segment of Upper Ridgeway Avenue, which runs east to west, just to the north and west of the location of the Acquisition Property. The portion of Upper Ridgeway Avenue on which the Donation Parcel is located is unimproved, unpaved and exists merely as a “paper” street. Maps of the Property are attached as **Exhibit 1**.

All of the parcels comprising the Property are unimproved, are on moderately steep slopes and are populated with underbrush and trees. On the Acquisition Parcel, there is an informal trail that leads from the paved street up to the ridge and to the adjoining Hawthorne Canyon Open Space and all the connecting trails along the ridgeline. If acquired by the Town, the Acquisition Parcel would provide permanent public access between the Willow Avenue neighborhood and the open space and ridgeline trails and also provides an important wildlife corridor. The Donation Parcel is immediately adjacent to the Town’s Triangle Park, to the north, and would increase the acreage of the Town park and provide public access to it from the currently unimproved Upper Ridgeway Avenue right-of-way. Photographs of the Property are attached as **Exhibit 2**.

Because of the attributes described above, FOSC gave the Property a high rating under its *Criteria for Priority for Protecting Open Space*, adopted by the Town Council on September 7, 2011. See **Exhibit 3**, attached.

The Open Space Element of the Town General Plan identifies undeveloped properties of interest as open space in the inventory found in the “OS Appendix” of the General Plan. The Property is called out as a property of interest in the inventory, which refers specifically to the "Lots by Upper Ridgeway, next to Fairfax Park, adjacent to Hawthorn Canyon Open Space belonging to San Anselmo."

The Town has obtained a Preliminary Title Report for the Acquisition Parcel (**Exhibit 4**), which shows no encumbrances, liens or other exceptions to title that are of concern. A Title Report for the Donation property has also been requested, but not yet obtained. It will be provided to the Town Council, should FOSC subsequently seek formal Town approval of acceptance of title to the Donation Parcel, as part of an agreement to acquire the Property.

FOSC is concerned that, should the Acquisition Parcel be sold to a private entity, it could be developed. The Acquisition Parcel has significant value in its undeveloped state to the neighborhood and to other users of the adjacent public lands, because of its location on a well-developed residential street, where access to the ridgeline and ridge trails is extremely limited. FOSC believes that these benefits warrant fully exploring the opportunity to acquire the parcel. For these reason, FOSC recommends that the Town authorize FOSC to initiate negotiations on behalf of the Town to acquire the Acquisition Parcel and, if donated, the Donation Parcel. Any terms negotiated would be subject to

the future formal approval of the Town Council.

FISCAL IMPACT

None. The recommended action is solely for initiation of negotiation, which involves no cost to the Town. It is possible that Town funds that are dedicated for open space purposes and budgeted to FOSC may be expended for items such as a survey or appraisal, if deemed necessary for negotiations.

ATTACHMENTS

Exhibit 1 - Maps

Exhibit 2 - Photos

Exhibit 3 - Ranking Criteria Sheet

Exhibit 4 - Title Report