



# City of Palo Alto

## COLLEAGUES MEMO

**DATE:** March 24, 2014

**TO:** City Council Members

**FROM:** Council Member Schmid, Council Member Holman, Council Member Burt

**SUBJECT:** COLLEAGUES' MEMO FROM COUNCIL MEMBERS BURT, HOLMAN, AND SCHMID URGING COLLEAGUES TO DEDICATE NEW PARKLAND IN THE FOOTHILLS

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### GOAL

The City owns a 7.7 acre parcel of land adjacent to Foothills Park. This land is deeded for “conservation, including park and recreation purposes”. The parcel is currently fenced off from any public access. These acres include an environmentally important riparian corridor. It is time this property becomes dedicated parkland accessible to the public.

### HISTORY

In 1981, the Lee Family granted this 7.7 acre parcel (Assessor’s Parcel Number 182-46-006) to the City with a deed restriction for conservation use, including parks and recreation. The Palo Alto City Council accepted this generous gift by Resolution No. 5887 on March 16, 1981.(Attached)

The family reserved an estate on the property until 1996 when it reverted to the City. The land is a natural extension of the beautiful and popular Las Trampas Valley in Foothills Park and, if accessible, would extend that valley for about a fifth of a mile northwestward along the course of Buckeye Creek. It is mostly a flat plain surrounded by wooded hillsides on both the north and south sides.

The City leased the land from 1996 to 2003 to the owner of a neighboring parcel who used it as a nursery and for storage of large blocks of stone for improvements on his property. That lease expired in 2003 and the land was cleared. Today, except for a small nursery used by Acterra, it lays unused. The land contains an easement through adjoining property for emergency vehicles to Los Trancos Road.

### RECOMMENDATION

Council to direct Staff to:

1. Return to Council with a park dedication ordinance for this City-owned land adjacent to Foothills Park;

2. Outline the major options for the best uses of this land;
3. Present to the Parks and Recreation Commission alternatives for public uses along with natural landscape restoration for their review and for public input.
4. Establish a timeline for permanently opening the land to the public.

**STAFF IMPACT:**

The City Manager advises that the staff may accomplish the suggested directives within existing resources. Additionally, the City Manager presumes that the park dedication ordinance can return to Council on its own track and soon. The timeline for the other recommendations (2,3 &4) can proceed separately and in parallel following the dedication ordinance.

RESOLUTION NO. 5887

RESOLUTION OF THE COUNCIL OF THE CITY OF PALO ALTO  
ACCEPTING A DEED CONVEYANCE BY THE RUSSEL V. LEE TRUST  
TO THE CITY OF PALO ALTO OF APPROXIMATELY 7.7 ACRES  
ADJOINING FOOTHILLS PARK

WHEREAS, the Russel V. Lee Trust, established June 18, 1977, wishes to gift to the City of Palo Alto, subject to a 15-year term of years in the Lee Family, approximately 7.7 acres adjoining Foothills Park for conservation purposes, including park and recreation purposes; and

WHEREAS, the preconditions to that option, dated December 20, 1965 between the City of Palo Alto and Russel V. Lee and Dorothy Womack Lee, have not been fully satisfied and, therefore, do not provide to City the legal right to exercise said option; and

WHEREAS, the Trustees of the Russel V. Lee Trust have used and have expressed their intention in the future to use the area to be conveyed to City in a manner which is consistent with the conservation values which are intended to be protected by this contribution to City; and

WHEREAS, City desires to accept said gift for the benefit of its citizens;

NOW, THEREFORE, the Council of the City of Palo Alto does RESOLVE as follows:

SECTION 1. This Council hereby accepts the approximately 7.7 acres conveyed by the Russel V. Lee Trust as a gift to the City of Palo Alto, described in the deed attached hereto as Exhibit A.

SECTION 2. The Mayor is authorized to execute the acceptance of said gift and such other documents as are necessary to obtain said land and to clear title to lands within parcels and "A" and "C" described in the December 20, 1965 agreement between the City and Russel V. Lee and Dorothy Womack Lee.

SECTION 3. The Council of the City of Palo Alto finds that this is not a project and, therefore, no environmental impact assessment is necessary.

INTRODUCED AND PASSED: March 16, 1981

AYES: Bechtel, Eyerly, Fletcher, Henderson, Klein, Levy, Renzel, Witherspoon

NOES: None

ABSENT: None

ABSTENTIONS: Fazzino

ATTEST:

  
City Clerk

APPROVED:

  
Mayor

  
City Manager

APPROVED AS TO FORM:

Ray C. Abrams  
City Attorney

APPROVED:

Alfred J. Montebelli  
City Controller

Lawrence C. White  
Director of Parks and  
Open Space Management

Robert H. Hall  
Fire Chief

James M. Ware  
Director of Budget and  
Resource Management

Recorded at no charge in accordance  
with Government Code Section 6103 at  
the Request of, and when recorded  
Return to:

OFFICE OF THE CITY ATTORNEY  
City of Palo Alto  
250 Hamilton Avenue  
P. O. Box 10250  
Palo Alto, CA 94303

#### GIFT DEED

GRANTOR, R. Hewlett Lee, managing trustee on behalf of  
Russel V. Lee, Richard S. Lee, Peter V. Lee, Philip R. Lee, R. Hewlett  
Lee, and James A. Paulsen, trustees of the Russel V. Lee Trust, dated  
June 18, 1977, Russel V. Lee, Trustor, hereby grants to the City of  
Palo Alto, a municipal corporation, a gift of the real property in the  
City of Palo Alto, County of Santa Clara, State of California,  
described as:

##### PARCEL 1

All that certain real property being a portion of the Rancho El Corte  
De madera, situate in the City of Palo Alto, County of Santa Clara,  
State of California, excepting therefrom any structure or building  
heretofore erected thereon or hereafter with the permission of the  
City of Palo Alto erected thereon by grantors or by grantors'  
predecessors in title; and being more particularly described in  
Exhibit "A" attached hereto and incorporated herein as though fully  
set forth. Said real property shall be used for conservation,  
including park and recreation purposes. The conveyance of grantors'  
right, title and interest in and to parcel 1 is subject to grantors'  
reservation of an estate for a term of years to and including March  
16, 1996, during which term grantors shall continue to have the exclu-  
sive use and occupancy of said parcel for the purposes herein  
described.

##### PARCEL 2

All that certain real property being a portion of the Rancho El Corte  
De Madera, situate in the City of Palo Alto, County of Santa Clara,  
State of California, and being more particularly described in Exhibit  
"B" attached hereto and incorporated herein as though fully set forth.  
Said property shall be a right of way solely for purposes of emergency  
ingress and egress to parcel 1 described above or to that area  
commonly known as "Foothills Park" adjacent thereto.

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R. HEWLETT LEE, Managing  
Trustee of the Russel V. Lee  
Trust, Dated June 18, 1977,  
Russel V. Lee Trustor

#### JOINDER

Russel V. Lee, Trustor of the Russel V. Lee Trust and holding the  
power of revocation thereof does hereby join in, ratify and confirm  
the gift conveyance hereinabove made by R. Hewlett Lee, Managing

Trustee of the Russel V. Lee Trust.

RUSSEL V. LEE

STATE OF CALIFORNIA )  
COUNTY OF SANTA CLARA) ss.

On \_\_\_\_\_, before me, personally appeared R. HEWLETT LEE, Managing Trustee of the Russel V. Lee Trust dated June 18, 1977, Russel V. Lee, Trustor, known to me to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same as such Managing Trustee.

Witness my hand and official seal.

Notary Public for the  
State of California

STATE OF CALIFORNIA )  
COUNTY OF SANTA CLARA )ss.

On \_\_\_\_\_, before me, personally appeared Russel V. Lee, Trustor of the Russel V. Lee Trust dated June 18, 1977, known to me to be the person whose name is subscribed to the within Joinder and acknowledged to me that he executed the same.

Witness my hand and official seal.

Notary Public for the  
State of California

PARCEL 1

All of that certain real property being a portion of the Rancho El Corte De Madera, situate in the City of Palo Alto, County of Santa Clara, State of California, and being more particularly described as follows:

BEGINNING at a 3/4-inch iron pipe at the northeasterly corner of that certain tract of land described in the deed from Russel V. Lee, et ux, to Richard Stanford Lee, et ux, dated December 30, 1956 and recorded December 31, 1956 in Book 3696 of Official Records at page 382, Records of Santa Clara County, California; thence S. 15° 24' 19" E. along the easterly line of said tract 1083.65 feet; thence S. 72° 08' 48" W. 595.53 feet; thence S. 38° 48' 32" W. 179.00 feet; thence S. 12° 01' 23" E. 488.00 feet; thence S. 32° 25' 26" W. 229.44 feet to an iron pipe marking the southwest corner of a quarry, said last-named corner being the TRUE POINT OF BEGINNING; thence S. 68° 17' 19" E. 1048.00 feet to an iron pipe; thence S. 57° 28' W. 60 feet, more or less, to a fence post marking a corner in the northwesterly boundary line of the lands of the City of Palo Alto known as "Foothills Park," as said lands are described in "Exhibit A" of the agreement between said City and Russel V. Lee and Dorothy Womack Lee, dated December 8, 1958 and recorded December 10, 1958 in Book 4254 of Official Records at page 695, et seq., Records of said County; thence following said boundary line of Foothills Park S. 57° 28' W. (called S. 55° 54' W. in said "Exhibit A") 435.35 feet; thence leaving said park boundary, N. 32° 32' W. 5.00 feet; thence N. 64° 09' W. 263.50 feet; thence N. 71° 21' W. 117.50 feet; thence N. 52° 58' W. 200.00 feet; thence N. 45° 15' W. 227.50 feet; thence N. 29° 16' E. 246.32 feet to the TRUE POINT OF BEGINNING, containing 7.70 acres, more or less, and being a portion of the Rancho El Corte De Madera.

EXHIBIT "A"

PARCEL 2

ACCESS EASEMENT TO LOS TRANCOS WOODS ROAD

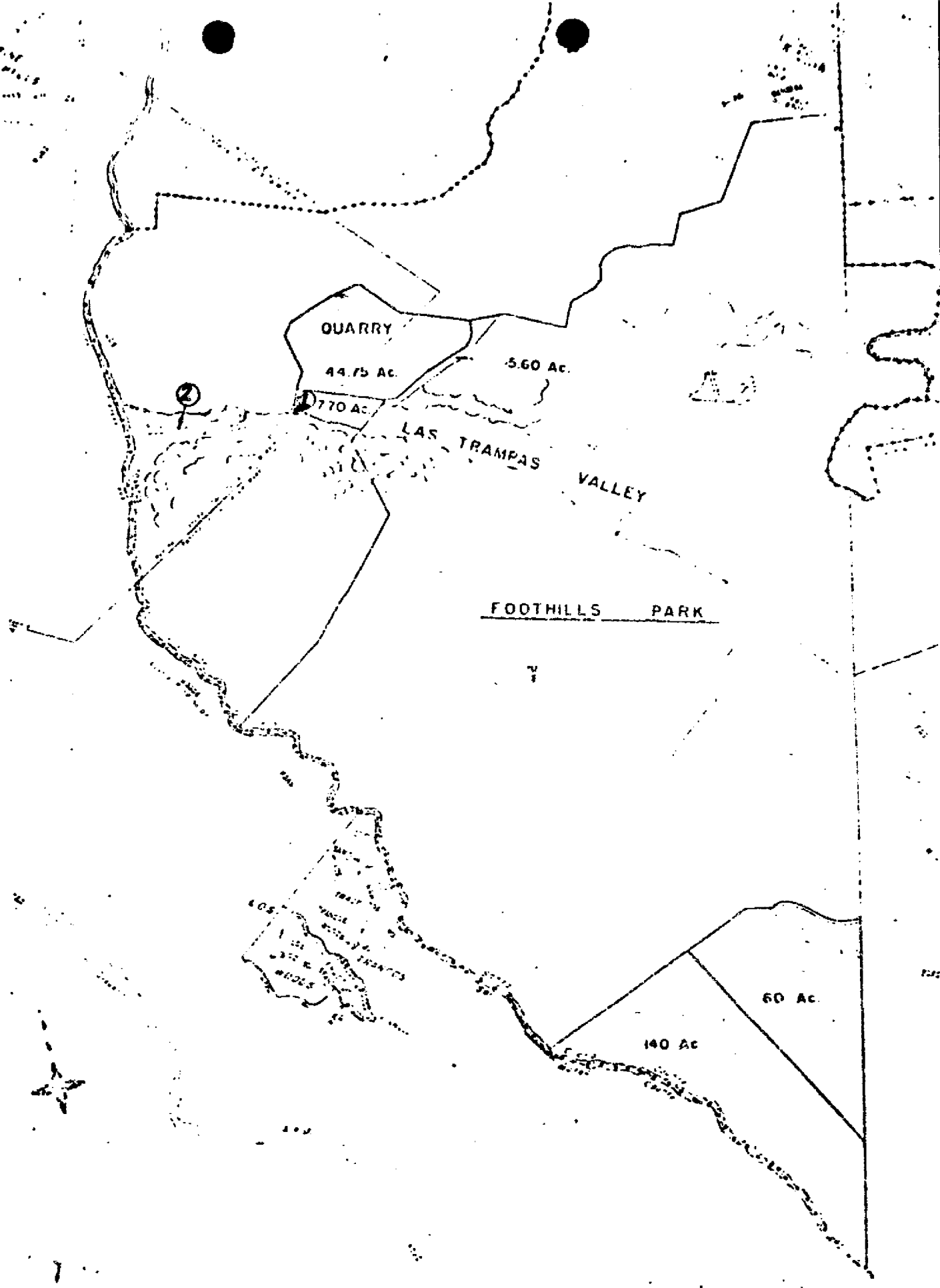
All that certain real property being a portion of the Rancho El Corte De Madera, situate in the City of Palo Alto, County of Santa Clara, State of California, and being more particularly described as follows:

An easement for emergency ingress and egress 40.00 feet in width, the centerline of which is described as follows:

BEGINNING at the southwest corner of that certain 234.172 acre tract of land as shown on that certain map entitled, "Record of Survey of a Portion of the Lands of Dorothy W. and Russel V. Lee," which map was filed for record in the Office of the Recorder of the County of Santa Clara, State of California, on September 10, 1957 in Book 86 of Maps at page 17; thence along the westerly line of said 234.172 acre tract, N. 34° 33' 01" E. 92.64 feet to a corner in said westerly line; thence departing from said westerly line running N. 70° 30' 00" E. 20.00 feet to the TRUE POINT OF BEGINNING; thence from said true point of beginning running southeasterly along the arc of a circular curve to the left having a tangent bearing of S. 19° 30' 00" E. a radius of 130.00 feet and a central angle of 57° 00' 00" a distance of 129.33 feet to the point of tangency of said curve; thence S. 76° 30' 00" E. 257.00 feet to the point of curvature of a circular curve to the left; thence running easterly along the arc of a circular curve to the left having a radius of 100.00 feet and a central angle of 15° 30' 00" a distance of 27.05 feet to a point of reverse curvature; thence running easterly along the arc of a circular curve to the right having a radius of 1500.00 feet and a central angle of 9° 00' 00" a distance of 235.62 feet to a point of reverse curvature; thence running easterly along the arc of a circular curve to the left having a radius of 500.00 feet and a central angle of 17° 00' 00" 148.36 feet to the point of tangency of said curve; thence N. 80° 00' 00" E. 160.00 feet to the point of curvature of a circular curve to the right; thence running easterly along the arc of a circular curve to the right having a radius of 150.00 feet and a central angle of 18° 00' 00" a distance of 47.12 feet to a point of reverse curvature; thence running easterly along the arc of a circular curve to the left having a radius of 130.00 feet and a central angle of 20° 30' 00" 46.51 feet to a point of reverse curvature; thence running easterly along the arc of a circular curve to the right having a radius of 100.00 feet and a central angle of 31° 00' 00" 54.10 feet to the point of tangency of said curve; thence running S. 71° 30' 00" E. 30.00 feet to the point of curvature of a circular curve to the left; thence running easterly along the arc of a circular curve to the left having a radius of 380.00 feet and a central angle of 28° 00' 00" 185.70 feet to a point of reverse curvature; thence running easterly and southeasterly along the arc of a circular curve to the right having a radius of 200.00 feet and a central angle of 38° 30' 00" a distance of 134.39 feet to the point of



tangency of said curve; thence S. 61° 00' 00" E. 79.54 feet to the point of curvature of a circular curve to the left; thence running southeasterly and northeasterly along the arc of a circular curve to the left having a radius of 55.00 feet and a central angle of 86° 34' 34" a distance of 83.11 feet to the point of tangency of said curve; thence running N. 32° 25' 26" E. 152.03 feet to a point on the southerly line of Parcel A described in Book 7224, Page 40 said point being the end of the centerline of said 40.00 foot easement, said point being 20.35 feet as measured along a line bearing S. 68° 17' 19" E. from the 3/4-inch iron pipe marking the most southwesterly corner of said Parcel A.



END W. PEARSON  
ARASTRADERO  
PRESERVE

(4)

NOT PART OF  
F.H. PARK  
negotiated  
Carastia.

7.7 Acre Site

