



# City of Palo Alto

## City Council Staff Report

(ID # 11706)

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**Report Type: Action Items**

**Meeting Date: 11/2/2020**

**Summary Title: Ordinance Renaming Foothills Park and Allowing Access to General Public**

**Title: Adoption of an Ordinance Amending the Municipal Code to Rename Foothills Park to Foothills Nature Preserve and Open It to the General Public by Removing Limits on Non-residents, While Maintaining the Maximum Capacity of 1,000 Persons and Providing Residents First Access to Reservations for Towle Campground and Oak Grove Group Picnic Area**

**From: City Manager and City Attorney**

### **Recommendation**

Staff recommends that City Council adopt an ordinance (Attachment A) to:

- a. Rename Foothills Park to Foothills Nature Preserve;
- b. Open Foothills Nature Preserve to the general public by removing limits on non-residents, while maintaining the maximum capacity of 1,000 persons and providing residents first access to reservations for Towle Campground and Oak Grove Group Picnic Area; and
- c. Amend or delete outdated and duplicative Code language.

### **Background**

Palo Alto purchased the land that has become Foothills Park from the Lee family in the late 1950's and opened it to Palo Alto residents in 1965. From its inception, access to Foothills Park has been restricted to residents, City employees, and their guests, with a limited exception subsequently adopted for entrance by foot from Pearson-Arastradero Preserve or Los Trancos Open Space Preserve on the Bay-to-Ridge Trail.

This type of regulation is extremely rare. Staff is not aware of any other municipality in California that limits access to park land to residents and their guests.<sup>1</sup>

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<sup>1</sup> Resident preferences for facilities and programs do exist elsewhere, however.

Non-resident access to Foothills Park has been discussed in Palo Alto from time to time over several decades. In 2018, the Parks and Recreation Commission (PRC) began discussions on increasing non-resident access to Foothills. At their July ([Minutes](#)), September ([Minutes](#)), and November ([Minutes](#)) 2019 meetings, the PRC discussed the possibility that a pilot program could be developed to initiate and explore greater access for non-residents. At the November 12, 2019 PRC meeting, the Commission voted (6-1) to recommend that the City Council adopt a pilot program allowing non-resident access subject to defined parameters.

On August 3, 2020, the City Council considered the PRC recommendation and adopted the following motion (5-2, Cormack, Fine no; [Minutes](#)):

- A. Direct Staff to bring this item to the Council in 2022 for a possible ballot measure;
- B. Rename Foothills Park to Foothills Nature Preserve;
- C. Change the fine from a misdemeanor to an infraction;
- D. Move forward with the pilot program starting in the Fall of 2020 or Winter of 2021, assess measurable points such as cost, and use that data for a possible ballot measure in 2022; and
- E. Ensure the pilot program remains revenue neutral.

On September 15, the National Association for the Advancement of Colored People of San Jose/Silicon Valley (“NAACP”) and a number of Palo Alto residents and non-residents sued the City in Santa Clara County Superior Court seeking to open Foothills Park to non-residents. The Plaintiffs are represented by the American Civil Liberties Union of Northern California and a private law firm. The suit asks the court to declare unconstitutional the ordinance restricting access to residents, City employees, and their guests. (PAMC § 22.04.150.) Plaintiffs claim that the Park’s residency requirement violates their First Amendment rights to free speech and free assembly under the federal and California constitutions, as well as their constitutional right to travel.<sup>2</sup> The suit seeks a temporary and permanent restraining order prohibiting enforcement of the restriction. It also asks the court to order the City to pay Plaintiffs’ attorneys fees and costs.

The City has moved the case to federal court.

### **Discussion**

When Council considered the Foothills Park access policy on August 3, it directed staff to develop options for a pilot and return to Council for further direction. After that time, however,

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<sup>2</sup> While the lawsuit includes extensive discussion of the racially discriminatory environment of the 1960's during which time the ordinance was adopted, the lawsuit does not claim that the ordinance is unconstitutional because it discriminates based on race or violates plaintiffs’ rights to equal protection of the laws. The suit is primarily a First Amendment case. Plaintiffs claim that the ordinance restricting non-resident access unconstitutionally curtails their First Amendment rights to gather in the Nature Preserve in order to protest that the ordinance is racist.

the City was sued over the non-resident access restriction. This is a significant development that Council must assess and take account of in order to determine the best course for Palo Alto.

The core of the Foothills Park lawsuit is Plaintiffs' contention that the non-resident access restriction violates their First Amendment rights to assemble and speak. Federal courts have determined that First Amendment rights protecting expressive activity are "nowhere stronger than in streets and parks." *Berger v. City of Seattle*, 569 F.3d 1029, 1035-36 (9th Cir. 2009). First Amendment rights are not absolute, however. They may be restricted consistent with requirements articulated in multiple court decisions. Courts have determined that governments may adopt reasonable regulations regulating the "time, place or manner of speech." Common examples of permissible restrictions include requiring permits for parades or festivals, limiting loud noises in the evening, and restricting capacity in buildings. To pass constitutional muster, a regulation curtailing speech and expressive activity must be content-neutral, tailored to serve a significant governmental interest, and leave open ample alternative channels for communication. When plaintiffs claim a municipality is violating their First Amendment rights, courts apply these principles to the specific facts and circumstances of the government regulation to determine whether it comports with the First Amendment.

As with all significant suits, the City Council has a duty and obligation to assess litigation brought against Palo Alto in light of the facts and the law, with the assistance of counsel providing full and frank advice in a confidential forum. Many lawsuits brought against the City are fully and vigorously litigated and many are won outright. Others, however, are resolved by mutual agreement where the Council determines that it is in the best interest of the City and its residents to do so.

Here, in response to the intervening event that is the filing of the lawsuit, staff brings forward for Council's consideration an ordinance to rename Foothills Park as Foothills Nature Preserve and open it to the general public, subject to the 1,000 person maximum and with resident preferential access to rentals of the Oak Grove Group Picnic Area and Towle Campgrounds. Concurrently with preparing this ordinance, staff is in discussions with Plaintiffs' counsel regarding a full settlement of the lawsuit, with terms that will be finalized and made available to the public before a second reading of the ordinance is presented to Council. Those terms would include dismissal of the lawsuit and a full and complete waiver by Plaintiffs of their request, which is available in this type of case, that the Court order the City to pay Plaintiffs' attorneys fees and costs.

For its part, in addition to adopting this ordinance, under the settlement the City would agree not to re-institute restrictions on non-resident access in the future, including by adopting an ordinance or initiating a ballot measure to restrict non-resident access, and would agree that this commitment be enforceable by permanent court injunction. In addition, both parties would acknowledge the City's discretion to manage the Nature Preserve, including by studying and adjusting maximum capacity without regard to residence, and by imposing an entrance fee

that, consistent with current Community Service Department practice, could provide a resident discount not exceeding 25% of the non-resident fee. Finally, the settlement would provide that if Council adopts the attached ordinance and electors qualify a referendum on the ordinance for the ballot, the settlement agreement would be void and litigation would resume.

If Council elects not to adopt the attached ordinance, staff will return later in November with options for a pilot program and litigation over the City's limitations on non-resident access will continue. Under our system of governmental checks and balances, which endows courts with the authority to enforce constitutional requirements, it is possible that at some point a court order could be entered that would override the City's Municipal Code and regulations regarding non-resident access and order the City to pay Plaintiffs' attorneys fees and costs.

### **Timeline**

If adopted on first reading on November 2, the proposed ordinance would be agendized for second reading on Consent on November 16 and would be effective 31 days thereafter. At that time, the Nature Preserve would be open to the general public, subject to the 1,000-person maximum.

If Council declines to adopt the proposed ordinance and directs staff to return with options for a pilot program, staff will return with that item in November.

### **Resource Impact**

Opening Foothills Nature Preserve to the general public is likely to increase usage at the Nature Preserve, which will generate impacts on Community Service Department (CSD) resources. The magnitude of impacts depends on the level of increased use, which cannot be predicted with certainty in advance. Impacts are likely to include costs for equipment and supplies, staff resources, and increased maintenance. CSD staff will implement Council's direction initially through existing budgets and resources and will monitor increases in usage and assess the impacts and costs. Supplemental resources from other programs will also be reallocated as needed to address any immediate one-time transition expenses. Staff will update Council in the spring, during the mid-year or FY 2021-2022 budget process, and may propose budget adjustments or consideration of an entry fee at that time.

### **Stakeholder Engagement**

In addition to the City Council's August deliberations, in 2018 the Parks and Recreation Commission (PRC) began to explore options for providing non-residents access to Foothills Nature Preserve. In 2019, the PRC discussed the options for increasing non-resident access via a pilot program at its meetings in July, September, and November. On July 28, 2020, the PRC hosted a panel discussion on the various perspectives of opening Foothills Nature Preserve to nonresidents.

**Environmental Review**

Adoption of this Ordinance is exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Sections 15301 (Existing Facilities) and 15323 (Normal Operations of Facilities for Public Gatherings).

**Attachments:**

- Attachment A - Ordinance Amending PAMC Chapters 6.12, 9.64, 22.04, and 22.08 to Rename Foothills Park to Foothills Nature Preserve and Allow Access to the General Public

Ordinance No. \_\_\_\_\_

Ordinance of the Council of the City of Palo Alto Amending Chapters 6.12 (Impoundment), 9.64 (Regulation of Community Facilities) , 22.04 (Parks and Recreation Building Use and Regulations) and 22.08 (Park Dedications) of the Palo Alto Municipal Code to Rename Foothills Park to Foothills Nature Preserve and Allow Access to the General Public.

The Council of the City of Palo Alto ORDAINS as follows:

**SECTION 1.** Findings and declarations. The City Council finds and declares as follows:

- A. The City’s Foothills Park is reserved for park, playground, recreation, or conservation purposes by Palo Alto Municipal Code (PAMC) 22.08.090 *et seq.*;
- B. The City Council desires to change the name of Foothills Park to Foothills Nature Preserve to recognize Foothills as one of the City’s open-space preserves, along with the Baylands Preserve, Pearson-Arastradero Preserve, and Esther Clark Nature Preserve;
- C. The City Council desires to open Foothills Nature Preserve to the general public by removing limits to non-residents; and
- D. The City Council desires to make the operation hours of the City’s open-space interpretive centers consistent with the hours of the open spaces themselves.

**SECTION 2.** Section 6.12.025 (Special impounding fees) of Chapter 6.12 (Impoundment) of Title 6 (Animals) is hereby amended as follows (additions are in underline, deletions are in ~~strikethrough~~):

6.12.025 Special impounding fees.

For any dogs found running at large in ~~Foothills Park~~ Foothills Nature Preserve, Byxbee Park, or city-owned Baylands, and impounded by the city, the city shall charge and receive from the owner fees for services in impounding animals as set forth in the municipal fee schedule.

**SECTION 3.** Section 9.64.010 (Use of community facilities prohibited from 10:30 p.m. to sunrise) of Chapter 9.64 (Regulation of community facilities) of Title 9 (Public peace, morals, and safety) is hereby amended as follows:

9.64.010 Use of community facilities prohibited from 10:30 p.m. to sunrise.

(A) No person shall use, remain in or enter any Community Facilities between 10:30 pm and sunrise, other than a duly authorized city employee or persons participating in city-sponsored activities or other activities for which the city has provided written permission to utilize the grounds beyond the closing time, provided however that the additional closure of specific facilities during portions of the day or the year may be specified by the City Manager or his or her designee.

(B) For the purposes of this chapter, "Community Facilities" means all buildings and premises of City of Palo Alto Libraries, the Cubberley Community Center, Lucie Stern Community Center, Children's Theatre, Community Theatre, Junior Museum & Zoo, Mitchell Park Community Center and Field House, Art Center, Peers Park Field House, ~~Lucy Evans Baylands Nature Interpretive Center, Pearson Arastradero Preserve Gateway Center, Foothills Park Interpretive Center,~~ and Civic Center Plaza, (as defined in Municipal Code Section 9.60.020(b)), but not any land dedicated for park use.

**SECTION 4.** Section 22.04.150 (Foothills Park) of Chapter 22.04 (Parks and Recreation Building Use and Regulations) of Title 22 (Parks) is hereby amended as follows:

22.04.150 ~~Foothills Park~~ Foothills Nature Preserve.

Foothills Nature Preserve shall be open to all persons, regardless of residency.

(a) ~~Foothills Park~~Foothills Nature Preserve shall not be made available for the exclusive use by any persons except for Towle Camp and the Oak Grove Group Area, Pine Gulch Group Area, Wood Fern Group Area, and the ~~Foothills Park~~Foothills Nature Preserve Interpretative Center classroom. Reservations for Towle Camp and the Oak Grove Group Area shall be made available to residents of the city before being offered to the general public, according to regulations promulgated by the city manager. All other reservations shall be made available to the general public on a first come first served basis. ~~Foothills Park may be accessible to the general public for the purpose of using the Bay To Foothills trails.~~

~~(a) Only residents of the city and regular or part time city employees, members of their households related by blood, marriage, or adoption, and their accompanied guests are entitled to enter on foot or by bicycle or vehicle and remain in Foothills Park. No person who is not a resident of the city may enter on foot or by bicycle or vehicle unaccompanied by a person entitled to enter and remain in Foothills Park for the purpose of using the Bay To Foothills trails, except as provided in subsection (b). An "accompanied guest," as used in this section, is one who enters Foothills Park in the presence of a person entitled to enter and remain in Foothills Park. Each person entitled to enter and remain in Foothills Park may be accompanied by no more than 15 guests, or two vehicles containing no more than 15 guests, at any one time. Upon the request of an authorized city employee or a member of the Palo Alto police department, a person seeking to enter Foothills Park at the main gate or a person within the boundaries of Foothills Park shall provide identification or information to satisfy the requirements of this subsection. The good faith judgment of the authorized city employee or police department member requesting identification or information shall be conclusive as to whether such identification or information provided satisfies the requirements of this subsection. No person shall enter or remain in Foothills Park in violation of this subsection. Violations of this subsection shall be a misdemeanor.~~

(b) No person shall enter or exit Foothills Nature Preserve except at:

- (1) The main gate on Page Mill Road;
- (2) Designated entry and exit locations on the park boundaries shared with the Enid Pearson Arastradero Preserve and the Los Trancos Open Space Preserve;
- (3) The Bay-To-Foothills trails; or
- (4) As authorized by the director.

Violations of this subsection shall be a misdemeanor.

~~Unless otherwise specifically authorized by the director, no person who is a resident of the city shall enter or exit from Foothills Park except through the main gate on Page Mill Road or at designated entry and exit locations on the park boundaries shared with the Enid Pearson Arastradero Preserve and the Los Trancos Open Space Preserve. No person who is a resident of the city shall enter or exit from the Bay To Foothills trails in the park except on foot. For the purpose of using the Bay To Foothills trails in the park, no person who is not a resident of the city shall enter or exit the park except on foot and at the designated entry and exit locations on the park boundaries shared with the Enid Pearson Arastradero Preserve and the Los Trancos Open Space Preserve. No entry by any person who is not a resident at these designated entry and exit locations on the shared park boundaries shall be permitted by horse or bicycle. Violations of this subsection shall be a misdemeanor.~~

(c) ~~Foothills Park~~Foothills Nature Preserve shall be closed from sunset (the actual closure time to be prescribed in park regulations and posted accordingly) until 8:00 a.m. the following morning. No person shall remain in ~~Foothills Park~~Foothills Nature Preserve during the hours of park closure ~~except, for other than~~ duly authorized city employees, holders of permits which authorize afterhours use, and permit holders or and participants in city-sponsored activities, ~~during the hours of park closure.~~ Violations of this subsection shall be a misdemeanor.

(d) No person shall exceed the maximum speed limit for all vehicles in ~~Foothills Park~~Foothills Nature Preserve of twenty miles per hour. Violations of this subsection shall be an infraction.

(e) No person shall leave an unauthorized vehicle in ~~Foothills Park~~Foothills Nature Preserve after the closing time designated and posted for closing of the park. Violations of this subsection shall be a misdemeanor.

(f) No person shall operate a bicycle or a motorcycle except on the paved roads of ~~Foothills Park~~Foothills Nature Preserve. No person shall operate a skateboard or roller skates or blades or other coasting device in ~~Foothills Park~~Foothills Nature Preserve. This subsection shall not apply to a bicycle or motorcycle operated by a police officer or park ranger acting in the course and scope of his or her duties. Violations of this subsection shall be an infraction.

(g) No person shall smoke on any trail in ~~Foothills Park~~Foothills Nature Preserve. Violations of this subsection shall be a misdemeanor.

(h) No person shall make a wood fire in ~~Foothills Park~~Foothills Nature Preserve without a permit. Permits for wood fires within ~~Foothills Park~~Foothills Nature Preserve may be issued only for the Towle campfire ring. No person shall start or maintain any charcoal cooking fire within ~~Foothills Park~~Foothills Nature Preserve except in city-provided braziers and barbecues in areas so designated and posted. Violations of this subsection shall be a misdemeanor.

(i) No person shall shortcut across trail switchbacks. Violations of this subsection shall be an infraction.

(j) The city manager shall promulgate regulations for the use of Boronda Lake to protect the users, plants, animals, and structures of the lake.

(k) No more than one thousand people shall be permitted in ~~Foothills Park~~Foothills Nature Preserve at any one time.

(l) No person owning or harboring any dog shall allow or permit such dog to enter or be in ~~Foothills Park~~Foothills Nature Preserve on any holiday, as defined in Section 2.08.100(a) of this code, or any Saturday or Sunday. At all other times, no person owning or harboring any dog shall allow or permit such dog, whether licensed or not, to enter or be in ~~Foothills Park~~Foothills Nature Preserve except when held under leash by an able-bodied person. Violations of this section shall be an infraction.



**SECTION 5.** Sections 22.08.090 (Foothills Park) through 22.08.120 (Lee Property – Addition to Foothills Park), as well as Section 22.08.410 (Lee Property – Addition to Foothills Park) of Chapter 22.08 (Park Dedications) of Title 22 (Parks) are hereby amended as follows:

22.08.090 Foothills Nature Preserve (formerly Foothills Park).

That certain parcel of land formerly known as Foothills Park as delineated and described in Exhibit A-9 attached hereto and now known as Foothills Nature Preserve is hereby reserved for park, playground, recreation or conservation purposes.

22.08.100 Lee Property - Addition to ~~Foothills Park~~ Foothills Nature Preserve.

That certain parcel of land known as the Lee Property (addition to ~~Foothills Park~~ Foothills Nature Preserve) as delineated and described in Exhibit A-9.1 attached hereto is hereby reserved for park, playground, recreation or conservation purposes.

22.08.110 Lee Property - Addition to ~~Foothills Park~~ Foothills Nature Preserve.

That certain parcel of land known as the Lee Property (addition to ~~Foothills Park~~ Foothills Nature Preserve) as delineated and described in Exhibit A-9.2 attached hereto is hereby reserved for park, playground, recreation or conservation purposes.

22.08.120 Lee Property - Addition to ~~Foothills Park~~ Foothills Nature Preserve.

That certain parcel of land known as the Lee Property (addition to ~~Foothills Park~~ Foothills Nature Preserve) as delineated and described in Exhibit A-9.3 attached hereto is hereby reserved for park, playground, recreation or conservation purposes.

22.08.410 Lee Property - Addition to ~~Foothills Park~~ Foothills Nature Preserve.

That certain parcel of land known as the Lee Property (addition to ~~Foothills Park~~ Foothills Nature Preserve), as delineated and described in Exhibit A-28 and attached hereto, is hereby reserved for park, playground, recreation or conservation purposes.

**SECTION 6.** Exhibits A-9, Including A-9.1 through A-9.3, and A-28 of Chapter 22.08 (Park Dedications) of Title 22 (Parks) are hereby amended as follows:

EXHIBIT A-9 ~~FOOTHILLS PARK~~ FOOTHILLS NATURE PRESERVE (formerly Foothills Park)

All of that certain 1194.05 acre tract of land described in Exhibits B through H in that certain Lease Agreement between Russell V. Lee et ux. to the City of Palo Alto recorded December 10, 1958; in Book 4254 of Official Records at pages 695 et seq., records of Santa Clara County, California.

EXHIBIT A-9.1 LEE PROPERTY - ADDITION TO ~~FOOTHILLS PARK~~ FOOTHILLS NATURE PRESERVE

Situate in the city of Palo Alto, County of Santa Clara, State of California, described as follows:  
Beginning at a point in the northwesterly line of that certain 200-acre, more or less, parcel excepted in the Deed from Russell V. Lee, et ux., to the City of Palo Alto, dated December 9, 1958 and recorded in Book 4254 of Official Records at page 720, Records of Santa Clara County, California, distant along said line S. 69 degrees 10 minutes W. 920 feet from an iron pipe which pipe bears N. 75 degrees 15 minutes 30 seconds W. 307.05 feet from an iron pipe set in the center line of Page Mill Road; thence S. 20 degrees 50 minutes E. 2800 feet, more or less, to a point on the southeasterly line of the Rancho El Corte de Madera; thence S. 15 degrees 12

minutes W. along said Rancho line 1350 feet, more or less, to the center line of Los Trancos Creek; thence northwesterly along the center line of Los Trancos Creek to a point which bears S. 69 degrees 10 minutes W. 10 feet, more or less, from an iron pipe set in the bank of said Creek; thence N. 69 degrees 10 minutes E. along the northwesterly line of said parcel excepted in said Deed from Lee to City 2090 feet, more or less, to the point of beginning, containing 140 acres, more or less, and being a portion of the Rancho El Corte de Madera.

EXHIBIT A-9.2 LEE PROPERTY - ADDITION TO ~~FOOTHILLS PARK~~ FOOTHILLS NATURE PRESERVE

Situate in the City of Palo Alto, County of Santa Clara, State of California, described as follows:

Beginning at a point on the southeasterly line of Rancho El Corte de Madera, said point being in the center line of Page Mill Road, said point also being the most easterly corner of that certain 200-acre, more or less, tract of land excepted in the Deed from Russell V. Lee, et ux., to the City of Palo Alto, dated December 9, 1958, and recorded in Book 4254 of Official Records at Page 720, Records of Santa Clara County, California; thence westerly along the center line of Page Mill Road and the northerly line of said excepted tract 700 feet, more or less, to an iron pipe; thence continuing along the boundary line of said excepted tract N. 75 degrees 05 minutes 30 seconds W. 307.05 feet to an iron pipe; thence, continuing along the northwesterly boundary line of said excepted tract, S. 69 degrees 10 minutes W. 920 feet: thence leaving said boundary line, S. 20 degrees 50 minutes E. 2800 feet, more or less, to a point on said Rancho line; thence N. 15 degrees 12 minutes E. along said Rancho line 2850 feet, more or less, to the point of beginning, containing 60 acres, more or less, and being a portion of said Rancho El Corte de Madera.

EXHIBIT A-9.3 LEE PROPERTY - ADDITION TO ~~FOOTHILLS PARK~~ FOOTHILLS NATURE PRESERVE

Situate in the City of Palo Alto, County of Santa Clara, State of California, described as follows:

Beginning at an iron pipe set in the boundary line of that certain 234.172 acre parcel of land delineated upon a map entitled "Record of Survey of a portion of the Lands of Dorothy W. and Russell V. Lee" and recorded September 10, 1957 in Book 86 of Maps at page 17, Records of Santa Clara County, California, which iron pipe bears S. 74 degrees 42 minutes 11 seconds W. 2392.51 feet from the most easterly corner of said 234.172 acre parcel of land; thence N. 81 degrees 01 minutes 32 seconds W. 54.00 feet to an iron pipe which marks the true point of beginning; thence N. 82 degrees 01 minutes 26 seconds W. 433.00 feet to an iron pipe; thence S. 11 degrees 19 minutes 26 seconds W. 178.17 feet; thence S. 39 degrees 11 minutes 58 seconds W. 123.70 feet to an iron pipe; thence S. 69 degrees 28 minutes 33 seconds W. 267.84 feet to an iron pipe; hence S. 69 degrees 59 minutes 52 seconds W. 333.78 feet to an iron pipe; thence S. 61 degrees 31 minutes 34 seconds W. 468.48 feet to an iron pipe; thence N. 81 degrees 03 minutes 10 seconds W. 122.62 feet to an iron pipe; thence in a straight line southwesterly 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 Russell V. Lee and Dorothy Womack Lee, dated December 8, 1958 and recorded December 10, 1958 in Book 4254 at page 695, et seq., Official Records of said County; thence following said boundary line of Foothills Park the following courses and distances: S. 62 degrees 29 minutes 02 seconds E. 165 feet, more or less, to an iron pipe; N. 67 degrees 24 minutes 58 seconds E. 805 feet, more or less, to an iron pipe; N. 80 degrees 07 minutes 58 seconds E. 204 feet, more or less, to an iron pipe; and N. 54 degrees 51 minutes 58 seconds E. 675 feet, more or less, to the true point of beginning, containing 5.60 acres, more or less, and being a portion of the Rancho El Corte de Madera.

EXHIBIT A-28 LEE PROPERTY - ADDITION TO ~~FOOTHILLS PARK~~ FOOTHILLS NATURE PRESERVE

Beginning at a 3/4-inch iron pipe at the northeasterly corner of that certain tract of land described in the deed from Russell V. Lee, et ux, to Richard Stanford Lee, et ux, dated December 30, 1956, and recorded December 3, 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 48" W. 593.53 feet;

Thence S. 12° 01' 23" E. 488.00 feet;

Thence 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 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 Russell 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 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. 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.

**SECTION 7.** If any section, subsection, sentence, clause, or phrase of this Ordinance is for any reason held to be invalid or unconstitutional by a decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that it would have passed this Ordinance and each and every section, subsection, sentence, clause, or phrase not declared invalid or unconstitutional without regard to whether any portion of the Ordinance would be subsequently declared invalid or unconstitutional.

**SECTION 8.** The Council finds that adoption of this Ordinance is exempt from the California Environmental Quality Act pursuant to CEQA Guidelines Sections 15301 (Existing Facilities) and 15323 (Normal Operations of Facilities for Public Gatherings).

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**SECTION 9.** This Ordinance shall be effective on the thirty-first date after the date of its adoption.

INTRODUCED:

PASSED:

AYES:

NOES:

ABSENT:

ABSTENTIONS:

NOT PARTICIPATING:

ATTEST:

\_\_\_\_\_  
City Clerk

\_\_\_\_\_  
Mayor

APPROVED AS TO FORM:

APPROVED:

\_\_\_\_\_  
City Attorney

\_\_\_\_\_  
City Manager

\_\_\_\_\_  
Director of Community Services