

**TO:** James L. App, City Manager  
**FROM:** Joseph M. Deakin, Public Works Director  
**SUBJECT:** Final Approval of Property Acquisition (Dodd/White)  
**DATE:** December 17, 2002

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**NEEDS:** For the City Council to authorize staff to proceed with the final approval to purchase property.

- FACTS:**
1. At the direction of the City Council, the City Attorney drafted an Acquisition Agreement to purchase real property consisting of approximately 5.157 gross acres located at 1401 North River Road.
  2. The Agreement was forwarded to the property owners (Dodd/White) and returned with signatures agreeing to the terms of the Agreement. The City Council authorized the City Manager to sign the Agreement on behalf of the City.
  3. The major terms of the Agreement are as follows:
    - Purchase price – \$792,500
    - City, at its sole cost, shall perform a Phase I Environmental Assessment Report. Final sale of the property is contingent upon the result of this assessment.
    - City to review and approve the Preliminary Title Report
  4. Elected in 1998, Measure D provides a funding mechanism to complete widening of the 13<sup>th</sup> Street Bridge and adjacent roads.
  5. On December 10, 2002, the Planning Commission considered the real estate purchase and concluded that the purchase is consistent with the General Plan.

**ANALYSIS  
AND**

**CONCLUSION:** The proposed acquisition would facilitate the widening of the 13<sup>th</sup> Street Bridge and adjacent roads. The 13<sup>th</sup> Street Bridge expansion was identified in the 1991 Circulation Element of the General Plan and in the 2001 update as a needed measure to mitigate traffic congestion.

In addition to accepting the Planning Commission's report on consistency with the General Plan, the City Council is also requested to consider adopting a Negative Declaration of environmental impact caused by purchasing the property. A map is attached illustrating the property location. The City has reviewed the Preliminary Title Report and finds it acceptable. The City completed that Phase I Soils Assessment and determined that no further investigation is warranted. The City has completed its "due diligence" toward the property purchase and is ready to finalize the acquisition.

**POLICY**

**REFERENCE:** California Government Code Section 65402; State Planning and Zoning Laws; Circulation Element of the General Plan; Measure D-98

**FISCAL**

**IMPACT:** All costs associated with the purchase of the property including \$792,500 purchase price is allocated within the 13<sup>th</sup> Street Bridge Project Budget.

- OPTIONS:**
- a. (1) Adopt Resolution No. 02-xx approving a Negative Declaration for acquiring the subject property; and
  - (2) Adopt Resolution No. 02-xx accepting the Planning Commission's report that the acquisition does not conflict with the City's General Plan, authorizing the recordation of the Grant Deed to complete the purchase of the property.
  - b. Amend, modify or reject the above option.

Attachments (4)

- 1) Resolutions (2)
- 2) Acquisition Agreement
- 3) Initial Study

RESOLUTION NO. 02-

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PASO ROBLES  
ACCEPTING THE PLANNING COMMISSION REPORT ON CONSISTENCY WITH THE  
GENERAL PLAN, AND APPROVING PROPERTY PURCHASE  
(DODD/WHITE - APN 025-501-014)

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WHEREAS, the City Council of the City of El Paso de Robles is scheduled to consider purchasing of property located at 1401 North River Road (APN 025-501-014); and

WHEREAS, Section 65402 of the Government Code (Planning and Zoning Laws) provides that the Planning Commission must be requested to report on whether or not a proposed purchase of property is consistent with the City's General Plan; and

WHEREAS, on December 10, 2002 the Planning Commission considered the subject property in relation to the City's General Plan; and

WHEREAS, based on the Planning Commission's evaluation of the proposed property purchase, specifically in relation to the Circulation Element of the General Plan and its relationship to the Measure D-98 funded widening of the 13<sup>th</sup> Street Bridge, the Commission unanimously concluded that there would appear to be no conflict with the City's General Plan; and

WHEREAS, the City has completed its due diligence in accordance with the Acquisition Agreement and believes the condition of the property is acceptable.

THEREFORE, BE IT RESOLVED AS FOLLOWS:

SECTION 1. That the City Council of the City of Paso Robles does hereby accept the Planning Commission's report to the City Council that purchase of the subject property would, in the judgment of the Planning Commission, not be in conflict with the City's General Plan.

SECTION 2. That in order to implement the Circulation Element of the General Plan and the Measure D-98 funded 13<sup>th</sup> Street Bridge widening, that the City Council does hereby direct the City Manager and City Clerk to execute all documents necessary to complete the acquisition of the property.

PASSED AND ADOPTED by the City Council of the City of Paso Robles this 17<sup>th</sup> day of December 2002 by the following vote:

AYES:  
NOES:  
ABSENT:  
ABSTAIN

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Frank R. Mecham, Mayor

ATTEST:

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Sharilyn M. Ryan, Deputy City Clerk

RESOLUTION NO. 02-

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PASO ROBLES  
ADOPTING A NEGATIVE DECLARATION FOR THE ACQUISITION OF PROPERTY FOR  
WIDENING OF 13<sup>TH</sup> STREET/CRESTON ROAD AND NORTH RIVER AND FOR  
PASSIVE OPEN SPACE (WHITE)

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WHEREAS, pursuant to the 1991 General Plan Update, the City of Paso Robles (the "City") has initiated the purchase of 5.2 acres of property located at 1401 North River Road for the purpose of widening 13<sup>th</sup> Street/Creston Road and North River Road and to use the property for passive open space; and

WHEREAS, pursuant to the California Environmental Quality Act, the City has prepared an Initial Study for the acquisition of the subject 5.2 acres (the "Project"), which concludes that the project will not have any significant effects on the environment and recommends that a Negative Declaration be adopted; and

WHEREAS, public notice of the proposed Negative Declaration was given as required by Section 21092 of the Public Resources Code; and pursuant to said public notice, the public was given the opportunity to submit written comments and to appear before the City Council at a public meeting conducted on December 17, 2002 to make oral comments on the draft Negative Declaration.

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

SECTION 1. Based on the information contained in the plans and specifications prepared for the Project on file with the City's Department of Public Works, the Initial Study prepared for the Project, public comments and testimony received during the comment period at the public meeting conducted on December 17, 2002, the City Council finds, based on its independent judgment and analysis, that there is no substantial evidence that the Project will have a significant effect on the environment.

SECTION 2. The City Council of the City of Paso Robles does hereby approve and adopt the Negative Declaration for the Project. All of the documents and other evidence which constitute the record of proceedings upon which the findings in this Resolution are made are in the custody of the Department of Public Works, City Hall, 1000 Spring Street, Paso Robles, California 93446.

SECTION 3. The City Council of the City of Paso Robles does hereby approve the Project, and directs the City Clerk to file a Notice of Determination regarding the approval of the Project with the County Clerk of San Luis Obispo County for posting.

PASSED AND ADOPTED by the City Council of the City of Paso Robles this 17<sup>th</sup> day of December 2002 by the following vote:

AYES:  
NOES:  
ABSTAIN:  
ABSENT:

ATTEST:

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Frank R. Mecham, Mayor

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Sharilyn M. Ryan, Deputy City Clerk