

TO: James L. App, City Manager
FROM: Joseph M. Deakin, Public Works Director
SUBJECT: Authorization to Purchase Property (West)
DATE: December 17, 2002

NEEDS: For the City Council to approve purchasing property associated with the 13th Street Bridge Widening Project.

FACTS:

1. At the direction of City Council, the City Attorney drafted an Acquisition Agreement to purchase approximately 0.084 acre (3,652 square feet) of land located at 301 Creston Road; also known as Assessor's Parcel No. (APN 009-401-024).
2. The Agreement was forwarded to the property owner (the West's) and returned, signed, agreeing to sell the property (see attached).
3. Elected in 1998, Measure D provides a funding mechanism to complete widening of the 13th Street Bridge and adjacent roads.
4. On December 10, 2002, the Planning Commission considered the purchase and concluded that purchasing the property would not conflict with the City's General Plan.

**ANALYSIS
AND**

CONCLUSION: The proposed acquisition would facilitate the widening of the 13th Street Bridge and adjacent roads. The 13th 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 and the actual property portion to be acquired.

POLICY

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

FISCAL

IMPACT: The Purchase Agreement signed by the property owner requires the City pay \$14,000. This cost is allocated within 13th Street Bridge project budget as part of MeasureD-98 funds.

OPTIONS:

- a(1). Adopt Resolution No. 02-xx approving a Negative Declaration for acquiring the subject property.
- (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 City Manager to execute the Acquisition Agreement, and authorize recordation of the Grant Deed.
- (3). Authorize the City Manager to execute the Acquisition Agreement
- b. Amend, modify or reject the above option.

Attachments: (4)

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

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
(WEST - APN 009-401-024)

WHEREAS, the City Council of the City of El Paso de Robles is scheduled to consider purchasing of property located at 301 Creston Road (APN 009-401-024); 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 would be in conflict 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 13th Street Bridge, the Commission unanimously concluded that there would appear to be no conflict with the City's General Plan.

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 13th Street Bridge widening, that the City Council does hereby authorize the City Manager to sign all documents related to the purpose of a portion of the subject property.

SECTION 3. That the City Council does hereby direct the City Clerk to record the Grant Deed for the property purchase.

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

AYES:

NOES:

ABSTAIN

ABSENT:

Frank R. Mecham, Mayor

ATTEST:

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 CRESTON AND UNION ROADS (WEST)

WHEREAS, pursuant to the 1991 General Plan Update, the City of Paso Robles (the "City") has initiated the purchase of 0.08 acres of property located at 301 Creston Road for the purpose of widening Creston and Union Roads in conjunction with the widening of the 13th Street Bridge; and

WHEREAS, pursuant to the California Environmental Quality Act, the City has prepared an Initial Study for the acquisition of the subject 0.08 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 17th day of December 2002 by the following vote:

AYES:
NOES:
ABSTAIN:
ABSENT:

Frank R. Mecham, Mayor

ATTEST:

Sharilyn M. Ryan, Deputy City Clerk