

TO: James L. App, City Manager
FROM: Doug Monn, Public Works Director
SUBJECT: Authorize Final Purchase of Property (Kelly) at 240 Gahan Place
DATE: September 19, 2006

NEEDS: For the City Council to consider adopting Resolution No. 06-xx authorizing the purchase of property at 240 Gahan Place.

FACTS:

1. The City has an approved Project Study Report (PSR) to install interchange improvements at Highway 46 and 101.
2. To facilitate the future improvements, the City needs to acquire property at 240 Gahan Place (APN 009-831-006).
3. At the direction of the City Council, a Purchase Agreement to acquire the property was prepared.
4. The Agreement was forwarded to the property owners (John E. Kelly and Jodi A. Kelly) and they returned it with signatures agreeing to the terms of the Purchase Agreement on August 22, 2006.
5. Section 65402 of the California Government Code (Planning, Zoning and Development Laws) provides for the Planning Commission to report on proposals by the City to acquire property. At their meeting on July 25, 2006 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 property acquisition would facilitate the installation of ultimate interchange improvements at Highway 101/46. This improvement was identified in the Circulation Element of the General Plan as a needed measure to mitigate traffic congestion in this area.

POLICY

REFERENCE: Adopted Circulation Element of the General Plan

FISCAL

IMPACT: A Community Facilities District will be formed to fund the interchange improvements and the property acquisitions needed to facilitate construction of the improvements. Costs incurred prior to forming the CFD will be reimbursed from the CFD funds assuming the District is successfully formed. If not, a portion of the funds transferred from the Traffic Mitigation Development Impact Fee Fund would be permanent. The other portion would be funded from Gas Tax Funds per the recent (not yet adopted) AB1600 Fee Study update.

The signed Purchase Agreement established a purchase price of \$525,000.

It is requested that \$550,000 be advanced from the Traffic Mitigation Development Impact Fee Fund to cover the purchase price and any additional closing costs including environmental assessments, appraisal costs and printing costs incurred.

Since an appropriation for this acquisition does not exist, the Council will need to appropriate funds.

- OPTIONS:**
- a. Adopt the following Resolutions:
 - 1) Resolution No. 06-xx accepting the Planning Commission report on consistency with the General Plan, and
 - 2) Resolution No. 06-xx accepting the deed of purchase and authorizing and directing the City Clerk to record the document with the County Recorder's Office, and
 - 3) Resolution No. 06-xx approving a transfer from the Traffic Mitigation Development Impact Fee Fund to the Hwy101/46W CFD Fund and appropriating funds from the Hwy101/46W CFD Fund for this project.
 - b. Amend, modify, or reject the above option.

Prepared by:

Ditas Esperanza, P.E.
Capital Projects Engineer

Attachments (5)

- 1) Resolution (3)
- 2) Exhibit
- 3) Purchase Agreement

RESOLUTION NO. 06-

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PASO ROBLES
ACCEPTING THE PLANNING COMMISSION REPORT ON CONSISTENCY
WITH THE GENERAL PLAN FOR THE PURCHASE OF PROPERTY
(KELLY – APN 009-831-006)

WHEREAS, the City Council of the City of El Paso de Robles is scheduled to consider purchasing of property located at 240 Gahan Place (APN 009-831-006); 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 May 23, 2006 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, the Commission unanimously concluded that there would appear to be no conflict with the City's General Plan; and

WHEREAS, the Planning Commission adopted a Negative Declaration for the property purchase.

THEREFORE, BE IT RESOLVED AS FOLLOWS:

SECTION 1. The City Council of the City of El Paso de 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, the City Council does hereby authorize the City Manager to sign all documents related to purchase of the subject property.

PASSED AND ADOPTED by the City Council of the City of Paso Robles this 19th day of September 2006 by the following vote:

AYES:
NOES:
ABSTAIN:
ABSENT:

Frank R. Mecham, Mayor

ATTEST:

Deborah D. Robinson, Deputy City Clerk

RECORDING REQUESTED BY AND
WHEN RECORDED RETURN TO:

The City of El Paso de Robles
Public Works Department
1000 Spring Street
Paso Robles, CA 93446

Attn.: Ditas Esperanza

FOR RECORDERS USE ONLY

RESOLUTION NO. 06-

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PASO ROBLES
ACCEPTING A DEED TO CERTAIN PROPERTY AND AUTHORIZING AND
DIRECTING THE CITY CLERK TO RECORD THE SAME WITH THE RECORDER
OF THE COUNTY OF SAN LUIS OBISPO

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO DE ROBLES AS
FOLLOWS:

SECTION 1. The City of El Paso de Robles does hereby accept the deed to certain property within the City executed by John E. Kelly and Jodi A. Kelly. A true and correct copy of the deed is attached hereto as Exhibit "A" and hereby incorporated by reference.

SECTION 2. The City Clerk is hereby authorized and directed to record the deed in the office of the County Recorder of the County of San Luis Obispo. The City Clerk may utilize the services of a land title company to effectuate the recording by delivering a certified copy of this resolution to the title company for presentation to the County Recorder together with the original deed.

PASSED AND ADOPTED by the City Council of the City of Paso Robles this 19th day of September 2006 by the following vote:

AYES:
NOES:
ABSTAIN:
ABSENT:

Frank R. Mecham, Mayor

ATTEST:

Deborah D. Robinson, Deputy City Clerk

RESOLUTION NO. 06-

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PASO ROBLES
TO APPROPRIATE FUNDS TO PURCHASE PROPERTY
TO INSTALL IMPROVEMENTS AT 101/46W
(KELLY – APN 009-831-006)

WHEREAS, the City’s Circulation Element has identified the need to install improvements at the 101/46 interchange; and

WHEREAS, a Project Study Report (PSR) was approved by Caltrans which identified several alternative designs; and

WHEREAS, in order to install these improvements the City would need to acquire property known as Assessor’s Parcel No. 009-831-006; and

WHEREAS, the City Council authorized that a Purchase Agreement be drafted, which was subsequently signed by the property owners; and

WHEREAS, the City will form a Community Facilities District (CFD) to fund the project costs; and

WHEREAS, the City will need to advance funds from the Traffic Mitigation Development Impact Fee Fund to purchase the property until the CFD is formed.

THEREFORE, BE IT RESOLVED AS FOLLOWS:

SECTION 1. The City Council of the City of El Paso de Robles does hereby authorize a transfer of \$550,000 from the Traffic Mitigation Development Impact Fee Fund to the Highway 101/46W Community Facilities District Fund as follows:

Budget No. 213.000.5899.000 (\$550,000).
Budget No. 309.000.4899.000 \$550,000.

SECTION 2. The City Council of the City of El Paso de Robles does hereby authorize a one-time budget appropriation of \$550,000 from the Highway 101/46W Community Facilities District Fund to Project No. 309.710.5450.222.

PASSED AND ADOPTED by the City Council of the City of Paso Robles this 19th day of September 2006 by the following vote:

- AYES:
- NOES:
- ABSTAIN:
- ABSENT:

Frank R. Mecham, Mayor

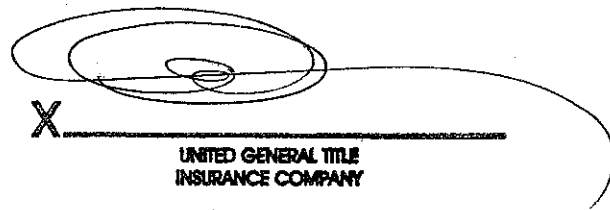
ATTEST:

Deborah D. Robinson, Deputy City Clerk

RECORDING REQUESTED BY
United General Title Insurance Company.

AND WHEN RECORDED MAIL TO:
City of El Paso de Robles

**THIS IS CERTIFIED TO BE A TRUE
AND EXACT COPY OF THE ORIGINAL.**


X _____
UNITED GENERAL TITLE
INSURANCE COMPANY

Space Above This Line for Recorder's Use Only

A.P.N.: 009-831-006

File No.: 7110-318632 (KSCC)

GRANT DEED

The Undersigned Grantor(s) Declare(s): DOCUMENTARY TRANSFER TAX \$577.50; CITY TRANSFER TAX \$0.00;
SURVEY MONUMENT FEE \$

- [] computed on the consideration or full value of property conveyed, OR
[] computed on the consideration or full value less value of liens and/or encumbrances remaining at time of sale,
[] unincorporated area; [] City of **Paso Robles**, and

FOR A VALUABLE CONSIDERATION, receipt of which is hereby acknowledged, **John E. Kelly and Jodi A. Kelly, husband and wife as joint tenants**

hereby GRANTS to **City of El Paso de Robles**

the following described property in the City of **Paso Robles**, County of **San Luis Obispo**, State of **California**:

PARCEL 1:

THAT PORTION OF LOT 23 OF THE SUBDIVISION OF A PART OF THE RANCHO PASO DE ROBLES, IN THE CITY OF EL PASO DE ROBLES, IN THE COUNTY OF SAN LUIS OBISPO, STATE OF CALIFORNIA, ACCORDING TO MAP FILED FOR RECORD OCTOBER 22, 1886, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY, DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE SOUTH LINE OF SAID LOT 23, WHICH BEARS EAST 1810.57 FEET FROM THE SOUTHWEST CORNER OF SAID LOT, SAID POINT BEING THE SOUTHWEST CORNER OF THE PROPERTY CONVEYED TO ESSIE I. MILAM, A WIDOW IN DEED DATED JULY 23, 1956 AND RECORDED JULY 24, 1956 IN BOOK 856, PAGE 20 OF OFFICIAL RECORDS; THENCE NORTH ALONG THE WEST LINE OF THE PROPERTY SO CONVEYED AND ITS EXTENSION THEREOF, 200 FEET; THENCE WEST 12 FEET TO A POINT; THENCE SOUTH AND PARALLEL TO THE WEST LINE OF THE PROPERTY CONVEYED TO MILAM AS AFORESAID, 200 FEET TO A POINT ON THE SOUTH LINE OF SAID LOT; THENCE EAST ALONG SAID SOUTH LINE, 12 FEET TO THE POINT OF BEGINNING.

PARCEL 2:

THAT PORTION OF LOT 23 OF THE SUBDIVISION OF A PART OF THE RANCHO PASO DE ROBLES, IN THE CITY OF EL PASO DE ROBLES, IN THE COUNTY OF SAN LUIS OBISPO, STATE OF CALIFORNIA, ACCORDING TO MAP FILED FOR RECORD OCTOBER 22, 1886, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY, DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE SOUTH LINE OF SAID LOT 23, WHICH BEARS EAST 1810.57 FEET FROM THE SOUTHWEST CORNER OF SAID LOT; THENCE NORTH 150.00 FEET; THENCE EAST 75.00 FEET;

THENCE SOUTH 150.00 FEET TO THE SOUTH LINE OF SAID LOT; THENCE WEST ALONG SAID SOUTH LINE 75.00 FEET TO THE POINT OF BEGINNING.

Dated: 09/08/2006

John E. Kelly

Jodi A. Kelly

STATE OF California)SS
COUNTY OF San Luis Obispo)

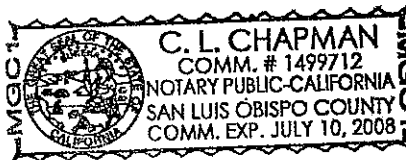
On September 8, 2006, before me, C.L. Chapman
Notary Public, personally appeared

John E. Kelly and Jodi A. Kelly, personally known to me
(or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is/are subscribed to
the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized
capacity(ies) and that by his/her/their signature(s) on the instrument the person(s) or the entity upon behalf of
which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

Signature

[Handwritten signature]



My Commission Expires: 07-10-08

This area for official notarial seal

Notary Name: C.L. Chapman

Notary Phone: 805-238-9866

Notary Registration Number: 1499712

County of Principal Place of Business: San Luis Obispo