

**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

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**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.



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)

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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 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:

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Frank R. Mecham, Mayor

ATTEST:

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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:

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Deborah D. Robinson, Deputy City Clerk



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 )

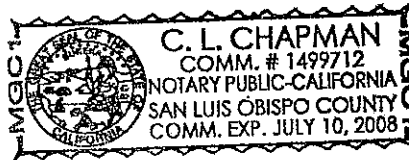
On September 8, 2006, before me, C.L. Chapman
Notary Public, personally appeared

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