

TO: James L. App, City Manager
FROM: Doug Monn, Public Works Director
SUBJECT: Authorize Final Purchase of Property (Munari) on Gahan Place
DATE: January 16, 2007

NEEDS: For the City Council to consider adopting Resolution No. 07-xx authorizing the purchase of property at 250 Gahan Place.

FACTS:

1. The City has an approved Project Study Report (PSR) to install interchange improvements at Highway 46 West and 101.
2. To facilitate the future improvements, the City needs to acquire property at 250 Gahan Place (APN 009-831-009).
3. At the direction of the City Council, the City Attorney drafted a Purchase Agreement to acquire the property.
4. The Agreement was forwarded to the property owner (Albeno J. Munari) on January 2, 2007 and he returned it with signature agreeing to the terms of the Purchase Agreement.
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 January 9, 2007 the Planning Commission considered the purchase and concluded that purchasing the property would not conflict with the City's General Plan.
6. On January 9, 2007, the Planning Commission held a public hearing to consider the purchase and adopted a Negative Declaration of environmental impact. A map is attached illustrating the property location to be acquired.

**ANALYSIS
AND**

CONCLUSION: The proposed property acquisition would facilitate the installation of ultimate interchange improvements at Highway 101/46 West. 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: Community Facilities District formation proceedings have been initiated to fund the construction of phased interchange improvements including the property acquisitions. Costs incurred prior to CFD formation will be reimbursed from the sale of bonds supported by a property owner special tax.

As it may take several months to complete CFD formation and sale bonds, the costs to purchase this property would need to be advanced from other sources. It is proposed that a formal promissory note be approved by Council (separate agenda staff report) to advance funds from the Sewer Operations Fund. Repayment of the promissory note has potentially three sources of repayment:

1. Sale of CFD bonds; and/or
2. Re-sale of portions of properties purchased but not required for realignment of Theatre Drive; and/or
3. Traffic mitigation development impact fees paid beginning 1/1/07.

The use of traffic mitigation funds will severely restrict the use of these funds for other street/traffic projects going forward. The promissory note will require that 50% of all such revenues be used to repay the promissory note to the Sewer Operations Fund.

The signed Purchase Agreement established a purchase price of \$1,750,750. It is requested that a \$1,762,000 appropriation be authorized to cover the acquisition and any additional closing costs including environmental assessments, appraisal costs and escrow fees.

- OPTIONS:**
- a. Adopt the following Resolutions:
 - 1) Resolution No. 07-xx accepting the Planning Commission report on consistency with the General Plan and the Negative Declaration, and
 - 2) Resolution No. 07-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. 07-xx approving a \$1,762,000 budget appropriation from the Hwy101/46W CFD Fund.
 - 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. 07-

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

WHEREAS, the City Council of the City of El Paso de Robles is scheduled to consider purchasing of property located at 250 Gahan Place (APN 009-831-009); 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 January 9, 2007 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.

SECTION 3. The City Council does hereby accept the Planning Commission's adoption of a Negative Declaration for purchase of the property.

PASSED AND ADOPTED by the City Council of the City of Paso Robles this 16th day of January 2007 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. 07-

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 Albeno J. Munari. 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 16th day of January 2007 by the following vote:

AYES:
NOES:
ABSTAIN:
ABSENT:

Frank R. Mecham, Mayor

ATTEST:

Deborah D. Robinson, Deputy City Clerk

ATTACHMENT 1

ATTACHMENT 2

RESOLUTION NO. 07-

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

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. 009-831-009; and

WHEREAS, the City Council authorized the City Attorney to draft a Purchase Agreement 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 General Funds to purchase the property until the CFD is formed.

THEREFORE BE IT HEREBY RESOLVED by the City Council of the City of El Paso de Robles to approve a one time budget appropriation from the Hwy101/46W CFD Fund in the amount of \$1,762,000 to budget account 309-710-5450-222 for fiscal year 2007.

PASSED AND ADOPTED by the City Council of the City of Paso Robles this 16th day of January 2007 by the following vote:

AYES:
NOES:
ABSTAIN:
ABSENT:

Frank R. Mecham, Mayor

ATTEST:

Deborah D. Robinson, Deputy City Clerk