

RESOLUTION NO. \_\_\_\_\_ (2024 SERIES)

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN LUIS OBISPO, CALIFORNIA, AUTHORIZING THE SALE OF A PERPETUAL EASEMENT AND A TEMPORARY CONSTRUCTION EASEMENT FOR THE COUNTY OF SAN LUIS OBISPO'S BOB JONES PATHWAY PROJECT THAT WILL ENCUMBER PORTIONS OF PROPERTY OWNED BY THE CITY OF SAN LUIS OBISPO IDENTIFIED AS ASSESSOR'S PARCEL NUMBERS 076-061-075, 076-061-078, AND 076-121-018 COMMONLY KNOWN AS THE FILIPPONI ECOLOGICAL RESERVE**

**WHEREAS**, the City of San Luis Obispo has adopted policies and procedures for protection, management, and public use of open space lands and natural and cultural resources acquired by the City; and

**WHEREAS**, the City of San Luis Obispo owns and manages open space areas totaling over 4,000 acres, including the approximately 70-acre Filipponi Ecological Reserve; and

**WHEREAS**, the County of San Luis Obispo has received grant funding to construct and implement its Bob Jones Pathway Project, a multi-use bicycle and pedestrian facility, which will necessitate their purchase of both a 0.86-acre permanent easement for the pathway and a 3.32-acre temporary construction easement from the City of San Luis Obispo that will encumber portions of the Filipponi Ecological Reserve; and

**WHEREAS**, the County of San Luis Obispo has identified the specific easement areas needed for the project, prepared an appraisal to determine the fair market value of the easements, set forth a satisfactory form of easement agreement, and has made an offer to pay the fair market value for the easements.

**NOW, THEREFORE, BE IT RESOLVED** by the Council of the City of San Luis Obispo as follows:

**SECTION 1. Recitals.** The recitals set forth above are hereby adopted as findings of the City in approving the real property transaction described herein.

**SECTION 2. Environmental Review.** The County of San Luis Obispo is the lead agency for the environmental determination for its Bob Jones Pathway Project under the California Environmental Quality Act and is also responsible for all applicable regulatory agency permitting and requirements. The re-circulated Draft Environmental Impact Report was certified by the County Board of Supervisors on February 24, 2015 (SCH # 2010031121).

**SECTION 3. Bob Jones Pathway Project.** The City Council hereby accepts the offer from the County of San Luis Obispo and authorizes the sale of the permanent and temporary easements in accordance with the offer package dated March 1, 2024, based on the following findings:

- a) The sale of the permanent and temporary construction easements is consistent with various City of San Luis Obispo policy documents including the Land Use and Circulation Elements of the General Plan (2014), as well as the adopted Climate Action Plan for Community Recovery (2020) and the Active Transportation Plan (2021).
- b) The sale of the permanent and temporary construction easements is consistent with the City of San Luis Obispo's policies and procedures for real property acquisition and disposal found at Section 475 of the Financial Management Manual, which further incorporates City Charter Article IX, Section 906 and City Council Resolution No. 10052 (2009 Series). Specifically, granting the permanent and temporary construction easements to another public agency is consistent with the sub-section regarding long-term use of real property intended for specific City-approved purposes by others (475-11): "The proposed use must further the Council's intended goals or policies for the specific property, and shall not conflict or preclude any existing or planned City use" and "The proposed use should be consistent with the goals and objectives of the City's General Plan for land use."
- c) On December 9, 2020, the Planning Commission reviewed the draft Active Transportation Plan (subsequently adopted by City Council in February 2021), which identified the Bob Jones Pathway Project. In accordance with California Government Code Section 65402, the Planning Commission's action included approval of a General Plan Conformity report that was included as Attachment 4 to the Planning Commission Agenda Report for that hearing.
- d) The sale of the permanent and temporary construction easements is consistent with the conservation purposes of the property, as well as the grant funding that was provided by the California Department of Transportation's "Environmental Enhancement and Mitigation Program" (EEMP) that was awarded at the time of the property acquisition (1999/2000) and the "Agreement Declaring Restrictive Covenants" that was recorded on title to ensure that the property is only used in a manner consistent with the purposes of the grant, because the small area of the easements that will encumber the frontage area of the property will not significantly impair or interfere with the conservation purposes of the property and the EEMP grant.

- e) The appraisal methodology and valuation, dated as of March 2, 2023, represents fair market value for the permanent and temporary construction easements and the offered sum of \$67,700.00 is just compensation.

Upon motion of Council Member \_\_\_\_\_, seconded by Council Member \_\_\_\_\_, and on the following roll call vote:

AYES:  
 NOES:  
 ABSENT:

The foregoing resolution was adopted this \_\_\_\_\_ day of \_\_\_\_\_ 2024.

\_\_\_\_\_  
 Mayor Erica A. Stewart

ATTEST:

\_\_\_\_\_  
 Teresa Purrington  
 City Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
 J. Christine Dietrick  
 City Attorney

**IN WITNESS WHEREOF**, I have hereunto set my hand and affixed the official seal of the City of San Luis Obispo, California, on \_\_\_\_\_.

\_\_\_\_\_  
 Teresa Purrington  
 City Clerk