



Department: Administration
Cost Center: 1005
For Agenda of: 2/4/2025
Placement: Consent
Estimated Time: N/A

FROM: Greg Hermann, Deputy City Manager
Prepared By: Robert Hill, Sustainability & Natural Resources Official

SUBJECT: AMENDMENT TO PERMANENT EASEMENT AND TEMPORARY CONSTRUCTION EASEMENT WITH THE COUNTY OF SAN LUIS OBISPO FOR THE BOB JONES PATHWAY

RECOMMENDATION

Pursuant to a request received from the County of San Luis Obispo for its Bob Jones Pathway Project:

1. Adopt a Draft Resolution entitled, "A Resolution of the City Council of the City of San Luis Obispo, California, authorizing the Amendment to Perpetual Easement Agreement (and Temporary Construction Easement) Bob Jones Pathway 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"; and
2. Authorize the Mayor to sign the document entitled, "Amendment to Perpetual Easement Agreement (and Temporary Construction Easement) Bob Jones Pathway"; and
3. Direct staff to receive and reserve the additional funds for future open space uses in accordance with General Plan policy.

POLICY CONTEXT

There are three areas of pertinent City policy applicable to evaluating the request from the County of San Luis for the amendment to the easements necessary for them to complete their Bob Jones Pathway Project.

1. Support for the County's Bob Jones Pathway Project can be found in a suite of City policy documents:
 - a) The Land Use Element of the General Plan (2014), with Goal # 10 (Environment), "Support statewide and regional efforts to create more sustainable communities, reduce greenhouse gas emissions, and develop transportation systems that support all modes of circulation."

- b) The Circulation Element of the General Plan (2014) calls for achieving a transportation mode split objective of 20% of all trips being made by bicycle, which is echoed by the Climate Action Plan for Community Recovery (2020) that also places a strong emphasis on addressing emissions from regional trips.
 - c) The Active Transportation Plan (2021) addresses the need for regional collaboration and specifically names the subject project with Goal 1.9 Collaborate with Regional Partners. “Cooperate with the County, State, San Luis Obispo Council of Governments, Cuesta College and Cal Poly in the planning and design of regional bicycle and pedestrian facilities (e.g. Bob Jones City-to-Sea Bike Trail, Chorro Valley Trail, Edna-Price Canyon Trail) to expand regional active transportation and recreation opportunities.”
2. The City of San Luis Obispo’s policies and procedures for real property acquisition and disposal are 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). Policy guidance pertinent to granting the proposed permanent and temporary construction easements to another public agency can be found in the sub-section (475-C) regarding long-term use of real property permanently intended for specific City-approved purposes by others: “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.”
3. Staff’s recommendation to receive the additional offered payment funds and hold them for future open space uses is supported by policy found in the Conservation and Open Space Element of the General Plan (2006), Appendix C: Management of Open Space Lands, paragraph 13: “When compatible with the primary purpose of the open space, the City should use revenue from open space lands ... to fund open space maintenance. Such revenues may also be used to acquire open space.”

DISCUSSION

Amendment Request

This request is to amend the existing Perpetual Easement Agreement (and Temporary Construction Easement) for the Bob Jones Pathway that was approved by the [City Council on April 2, 2024](#), and recorded as Document No. 2024026814 with the San Luis Obispo County Clerk-Recorder on September 23, 2024 (Attachment C), which encumbers a portion of the City’s Filipponi Ecological Reserve property. The key components of the amendment are as follows:

- 1. Amend the Legal Description and Plats describing and depicting the permanent easement area. This is required because a small, linear, 0.16-acre area of additional land is needed due to a design change in the pathway that is necessary

to avoid a major utility conflict. This area is along the same basic alignment of the existing easement and does not conflict with or preclude any existing or planned City use.

2. The temporary construction easement must have a “date certain” term, which has been amended to reflect a term from 3/15/25 to 3/15/29.
3. New Title XI (Civil Rights Act of 1964) language has been added due to federal requirements.
4. Additional compensation is offered to the City in the amount of \$16,000 due to the additional year that has been added to the term of the temporary construction easement and the additional 0.16 acres that has been added to the permanent easement.

The proposed Amendment (Attachment B) has been negotiated by the City and County and will subsequently be reviewed and considered for approval by the Board of Supervisors prior to recordation.

Background

The Bob Jones Pathway (sometimes also referred to as the Bob Jones Trail and the City-to-Sea Trail) was envisioned over 25 years ago as a pedestrian and bicycle facility to join the communities of San Luis Obispo and Avila Beach with a trail along San Luis Obispo Creek. There are two existing sections of the Bob Jones Pathway - a 2.5-mile segment between Ontario Road and Avila Beach operated by the County of San Luis Obispo, and a 1.1-mile segment operated by the City of San Luis Obispo between Prado Road and Los Osos Valley Road.

The next new segment of the Bob Jones Pathway is being undertaken by the County of San Luis Obispo’s Parks and Recreation Department and Public Works Department and is a 4.4-mile segment stretching from the Octagon Barn Center located off of South Higuera Street to the existing Ontario Road staging area. The County has completed and certified an Environmental Impact Report for the project and has been awarded \$18.25 million in funding through a State of California Active Transportation Program (ATP) grant that is overseen by the California Transportation Commission (CTC).

At present, the County is seeking approval from the CTC at its [January 30-31, 2025, meeting](#) to phase the project and move forward with the proposed “Caltrans right-of-way alignment” proposal that will avoid property where the County has been unable to secure necessary right-of-way, as detailed in County Board of Supervisors’ agenda report from October 29, 2024 (Attachment D). On January 14, 2025, the County Board of Supervisors approved a resolution of support for the project and also approved a budget adjustment in the amount of \$5 million from their Capital Projects Fund to the Bob Jones Pathway Project (Attachment E).

Previous Council Action

The City Council approved the purchase of this property by adoption of Resolution No. 8987 (1999 Series) and the acquisition was completed on April 12, 2000. On June 19, 2021, Council approved a “Conceptual Restoration and Enhancement Plan” and since that time has also approved several restoration and mitigation projects conducted by others upon the property. On April 2, 2024, the City Council approved the existing permanent and temporary construction easements for the Bob Jones Pathway, as discussed above.

Public Engagement

An extensive public engagement process was conducted leading up to the adoption of the City’s Active Transportation Plan, wherein the Bob Jones Pathway was specifically discussed. The County of San Luis Obispo has also conducted numerous public meetings regarding the project over the course of the past 20 years. Any member of the public may comment on this item either in writing or in-person at the hearing.

General Plan Conformity

California Government Code Section 65402 requires that the Planning Commission make a finding that an acquisition or disposal of real property for public purposes, such as contemplated herein, is consistent with the General Plan. 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. 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.

CONCURRENCE

The City Engineer and the Transportation Manager in the Public Works Department have reviewed the amended easement legal description and plats and have provided their concurrence.

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 recirculated Draft Environmental Impact Report was certified by the County Board of Supervisors on February 24, 2015 ([SCH # 2010031121](#)).

FISCAL IMPACT

Budgeted: No
Funding Identified: N/A

Budget Year: 2024-25

Fiscal Analysis:

Funding Sources	Total Budget Available	Current Funding Request	Remaining Balance	Annual Ongoing Cost
General Fund	\$	\$	\$	\$
State				
Federal				
Fees				
Other:				
Total	\$N/A	\$N/A	\$N/A	\$N/A

The County of San Luis Obispo will make an additional lump sum payment in the amount of \$16,000 to the City of San Luis Obispo as “good and valuable consideration” for the amended easements. The County previously paid \$67,700 for the existing easements, and total payment will, therefore, be \$83,700. Per Conservation and Open Space Element policy, as discussed above, this revenue should be reserved for future open space maintenance or acquisition purposes.

ALTERNATIVES

Council may request changes prior to approval or may decide not to approve the recommendations contained in this Council Agenda Report. A decision not to approve, however, is not recommended by staff because this request is in furtherance of a long-standing community project of regional significance and is consistent with numerous City goals and policies.

ATTACHMENTS

- A - Draft Resolution authorizing the Amendment to Perpetual Easement Agreement (and Temporary Construction Easement) Bob Jones Pathway
- B - Draft Amendment to Perpetual Easement Agreement (and Temporary Construction Easement) Bob Jones Pathway
- C - Perpetual Easement Agreement (and Temporary Construction Easement) Bob Jones Pathway, Document No. 2024026814, County Clerk-Recorder
- D - County of San Luis Obispo Board of Supervisors, Agenda Report, October 29, 2024
- E - County of San Luis Obispo Board of Supervisors, Agenda Report, January 14, 2025