

RESOLUTION NO. _____ (2025 SERIES)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN LUIS OBISPO, CALIFORNIA, AUTHORIZING THE AMENDMENT TO PERPETUAL EASEMENT AND A TEMPORARY CONSTRUCTION EASEMENT 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 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 4,300 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, which necessitates the purchase of both a permanent easement for the pathway and a temporary construction easement from the City of San Luis Obispo that will encumber the City's Filipponi Ecological Reserve property; and

WHEREAS, on April 2, 2024, the City Council approved the requested permanent and temporary construction easement document by Resolution No. 11485 (2024 Series), which was recorded as Document No. 2024026814 with the San Luis Obispo County Clerk-Recorder on September 23, 2024; and

WHEREAS, the County of San Luis now requests an Amendment to the permanent and temporary construction easement in order to append the legal description and plat to add a small, linear area of additional land to avoid a utility conflict, provide a "date certain" term for the temporary construction easement, and add Title XI (Civil Rights Act of 1964) due to federal requirements; and

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

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

R _____

SECTION 1. Recitals. The recitals set forth above are hereby adopted as the findings of the City in adopting the policies 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 easements, based on the following findings:

- a) The sale of the permanent and temporary construction easements, as amended, 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, as amended, 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 (475-11) 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."
- c) The sale of the permanent and temporary construction easements, as amended, 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 acquisition (1999/2000) and the "Agreement Declaring Restrictive Covenants" that was recorded on title to the property to ensure that the property is only used in a manner consistent with the purposes of the grant, because the small frontage area of the easements will not significantly impair or interfere with the conservation purposes of the property and the EEMP grant. The proposed use is consistent with City goals and policies and does not conflict with any existing or planned City use of the property.

- d) The appraisal methodology and valuation represents fair market value for the permanent and temporary construction easements, as amended, and the additional offered sum of \$16,000.00 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 _____ 2025.

 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