

Attachment 1

RESOLUTION 24-XXX

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF EL PASO DE ROBLES ACCEPTING A PUBLIC RIGHT OF WAY EASEMENT PURCHASE AT NIBLICK AND SOUTH RIVER ROAD

WHEREAS, the Beechwood project was approved by Council on October 10, 2020, and included conditions of approval to mitigate traffic impacts generated by the project; and

WHEREAS, the Beechwood Traffic Impact Study identified construction of a new right-turn lane on South River Road as a required mitigation; and

WHEREAS, the new right-turn lane will be constructed at the Northwest intersection corner, on a portion of the land that is currently occupied by the Arco Gas Station; and

WHEREAS, the proposed right-turn lane improvements will not affect the gas station's operations or the existing building; and

WHEREAS, the existing right-of-way is not wide enough in this location, so the Beechwood owners obtained an appraisal for the strip of land to purchase the easement; and

WHEREAS, the Beechwood and Arco property owners were not able to come to an agreement on the easement purchase price; and

WHEREAS, the Beechwood owners therefore requested that the City step in to acquire the easement on the development's behalf; and

WHEREAS, the Beechwood Development Agreement stipulates that the City will obtain the easement upon notification that the Beechwood owner has exhausted all efforts to procure the necessary easement; and

WHEREAS, the City hired Hamner Jewell and Associates to develop a comprehensive appraisal and negotiate the final purchase of the easement with the Arco Property Owner; and

WHEREAS, Hamner Jewell has successfully negotiated the easement price, and the Arco property owner has signed the sales agreement; and

WHEREAS, the Beechwood owners will reimburse the City for purchase and acquisition of said easements per Development Agreements established with the projects. The easement purchase price is \$54,000 and the cost of the Hamner Jewell appraisal and negotiation services is \$28,150; and

WHEREAS, the Grant of Easement and Public Safety and Utility purchase in itself is not a project subject to the California Environmental Quality Act ("CEQA") because it has no potential to result in either a direct, or reasonably foreseeable indirect, physical change in the environment. (State CEQA Guidelines, §§ 15060, subd. (b)(2)-(3), 15378.)

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF EL PASO DE ROBLES DOES HEREBY RESOLVE AS FOLLOWS:

Section 1. All of the above recitals are true and correct and incorporated herein by reference.

Section 2. Accepts the Grant of Easement for Public Street and Utility and authorizes the City Manager or designee to sign and record the Grant of Easement and Purchase Agreement and pay the associated costs pursuant to the reimbursement obligations set forth in the Beechwood Development Agreement.

APPROVED this 17th day of September, 2024, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

John R. Hamon, Jr., Mayor

ATTEST:

Melissa Boyer, City Clerk

Exhibit A – Grant of Easement Document

Exhibit B – Easement Purchase Agreement