



**CITY OF PACIFICA
COUNCIL AGENDA SUMMARY REPORT**

7/24/2017

SUBJECT:

Bi-Lateral Acknowledgement and Easement Agreement Between the City of Pacifica and AFG Investment Group, LLC Pertaining to Property Located at the Intersection of Palmetto Avenue and Hilton Way (Sharp Park Library, APN: 016-216-320 and 016-216-210)

RECOMMENDED ACTION:

Adopt the resolution authorizing the City Manager to execute and take all actions to effectuate the Bi-lateral Acknowledgment and Easement for and on behalf of the City of Pacifica.

STAFF CONTACT:

Tina Wehrmeister, Planning Director - (650) 738-7341

Wehrmeister@ci.pacifica.ca.us

BACKGROUND/DISCUSSION

The City of Pacifica owns the two parcels that contain the Sharp Park Library and associated parking lot and other improvements. The adjacent apartment complex located at 122 Hilton Way is accessed by vehicles via crossing over the parking lot on the City library property. This access point is also utilized by Recology to service the apartment's trash and recycling receptacles.

The owner of the apartment complex would like to formalize vehicular access to 122 Hilton Way. The City would like to ensure that it has the right to move or change the easement, e.g., to facilitate modification of the Library site, to which the owner has agreed. Thus, the Easement Agreement (attached to the proposed Resolution) will create a "floating easement" in that it is not a fixed width or place upon the City Property; the City may move or change the location of the owner's easement across the Library property, at the City's discretion, so long as reasonable access to the apartment property and garage is maintained.

ALTERNATIVE ACTION

The City Council may decline to enter into this agreement. This alternative is not recommended as the Agreement for a floating easement will formalize future flexibility to modify apartment vehicular access through City property.

RELATION TO CITY COUNCIL GOALS AND WORK PLAN

Stewardship of City Infrastructure (Goal) and Library Planning Efforts (Priority Initiative #6) - the Easement Agreement provides the City with flexibility as the future of Pacifica Libraries is planned.

FISCAL IMPACT

No direct fiscal impact other than City Attorney and staff time to draft Agreement. Having this Agreement in place will likely defer significant City Attorney cost in the future to negotiate relocation of apartment access without the proposed Easement in place.

ORIGINATED BY:

Planning Department

ATTACHMENT LIST:

Exhibit A - Bi-Lateral Acknowledgement & Easement Agreement (PDF)



RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PACIFICA AUTHORIZING THE CITY MANAGER TO EXECUTE A BI-LATERAL ACKNOWLEDGEMENT AND EASEMENT WITH AFG INVESTMENT GROUP, LLC FOR THE PURPOSE OF FORMALLY GRANTING AN EASEMENT ACROSS THE SHARP PARK LIBRARY SITE TO THE OWNER OF THE ADJACENT PROPERTY, 122 HILTON WAY, AND RESERVING THE CITY’S RIGHT TO CHANGE THE EASEMENT

WHEREAS, the City of Pacifica owns the two parcels that contain the Sharp Park Library and associated parking lot and other improvements; AFG Investment Group, LLC owns 122 Hilton Way which has vehicular access through the Sharp Park Library site; and

WHEREAS, the City and the owner of the apartment complex would like to formalize vehicular access to 122 Hilton Way; and

WHEREAS, the Bi-Lateral Acknowledgement and Easement, attached as Exhibit A to this resolution, has been drafted by City’s staff and counsel and approved by the grantee; and

WHEREAS, this Bi-lateral Acknowledgment and Easement will formalize vehicular access to 122 Hilton Way and ensures that the City has the right to move or change the easement in the future.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Pacifica that it does hereby approve the Bi-lateral Acknowledgment and Easement attached hereto as Exhibit A.

BE IT FURTHER RESOLVED that the City Manager is hereby authorized and directed to take all actions to effectuate the Bi-lateral Acknowledgment and Easement for and on behalf of the City of Pacifica, including execution and recordation, if necessary, in substantially similar form to the Bi-lateral Acknowledgment and Easement attached hereto as Exhibit “A”, and incorporated herein by this reference, subject to minor modifications by the City Manager or City Attorney.

PASSED AND ADOPTED at a regular meeting of the City Council of the City of Pacifica, California, held on the 24th day of July 2017.

AYES, Councilmember:

NOES, Councilmember:

ABSENT, Councilmember:

ABSTAIN, Councilmember:

Mike O’Neill, Mayor

ATTEST:

Kathy O'Connell, City Clerk

APPROVED AS TO FORM:

Michelle Kenyon, City Attorney