



Atascadero City Council

Staff Report – Community Development Department

TPM 2002-0032 Final Map Acceptance Clarification Resolution Traffic Way Park Dedication

RECOMMENDATION:

Council approve draft Resolution A accepting the dedication of a 1.71 acre gross public park dedication on Traffic Way as part of Tentative Parcel Map 2002-0032 (AT 02-278).

DISCUSSION:

Background:

Tentative Parcel Map 2002-0032 created four 1.5± acre parcels on Traffic Way. The map was approved by the Planning Commission in March of 2003. The map was conditioned to provide for the dedication of Parcel 4 as a public park. When the Final Map was recorded in July 2003, the County assessor raised a concern regarding the description of the dedication of the park on the owner's statement. The Assessor's position was that the owner statement implied the park dedication was for an easement even though on page 3 of the map the parcel was offered for dedication in fee (as real property) to the City.

Staff has been working for some time with the Assessor to resolve this issue and convey the park parcel to the City in fee. Steve Wolfinger, the Assessor's Assessment Manager has agreed that Council approval of the attached resolution would adequately clarify the intent of the wording on the owner's statement and allow the Assessor to transfer the property to the City.

Conclusion:

Council approval of the attached resolution will allow this outstanding park dedication issue to be resolved. The City does not have any current plans to improve the park and will maintain it as passive open space in the short term.

FISCAL IMPACT

Acceptance of the property will obligate the City to maintain the property. Staff estimates the cost of maintaining 1.5 acres of unimproved parkland to be approximately \$2000 annually. If the property is improved as a park in the future, the maintenance costs will be significantly higher.

ATTACHMENTS:

1. Recorded Final Map AT 02-278
2. Draft Resolution A

Draft Resolution A

This document is recorded for the benefit of the City of Atascadero and is exempt from recording fees pursuant to Government Code Sections 6103 and 27383.

RECORDING REQUESTED BY:
City of Atascadero (RAB 2004-0015)

WHEN RECORDED MAIL TO:
City of Atascadero
City Clerk's Office
6907 El Camino Real
Atascadero, CA 93422

Space above reserved for use of County
Recorder

RESOLUTION NO. A

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ATASCADERO ACCEPTING OFFERS TO DEDICATE AS RECORDED ON PARCEL MAP AT 02-0278

The following resolution is hereby offered and reads:

WHEREAS, Atascadero Homeowners, LLC, A California Limited Liability Company (“Offeror”), has offered to dedicate a parcel for public park purposes (Parcel 4), streets for public right-of-way purposes, and easements for public drainage, utility, access and incidental uses; and

WHEREAS, the City has accepted the offers as of the time of recordation of Parcel Map AT 02-0278 on July 22, 2003; and,

WHEREAS, it was the intent of the City of Atascadero to accept the park dedication in fee as of July 16, 2003 and the purpose of this resolution is to clarify that intent; and,

NOW, THEREFORE, BE IT RESOLVED AND ORDERED by the City Council of the City of Atascadero, State of California, as follows:

Section 1. The City does hereby accept, in fee simple for public park purposes, Parcel 4 of Parcel Map AT 02-0278, as shown on page 3 of the map recorded in Book 59 at page 01 of Parcel Maps in the Office of the County Recorder, San Luis Obispo, State of California and as graphically depicted in Exhibit A attached hereto.

- Section 2.** The City does hereby accept, in fee simple for public road purposes, the streets as shown on the map recorded in Book 59 at page 01 of Parcel Maps in the Office of the County Recorder, San Luis Obispo, State of California and as graphically depicted in Exhibit A attached hereto.
- Section 3.** The City does hereby accept easements for public drainage, public utilities, and public access as shown on the map recorded in Book 59 at page 01, of Parcel Maps in the Office of the County Recorder, San Luis Obispo, State of California, and as graphically depicted in Exhibit A attached hereto.
- Section 4.** That the City Clerk be, and hereby is, authorized and directed to record a certified copy of this Resolution in the Office of the County Recorder of the County of San Luis Obispo.
- Section 5.** This Resolution shall become effective immediately upon its adoption.
- Section 6.** The City Clerk shall certify the adoption of this Resolution.

On motion by Council Member _____ and seconded by Council Member _____, the foregoing Resolution is hereby adopted in its entirety on the following roll call vote:

AYES: Council Members

NOES:

ABSENT:

ADOPTED:

ATTEST:

CITY OF ATASCADERO

Marcia McClure Torgerson, C.M.C.,
City Clerk

By: _____
Mike Brenner, Mayor

APPROVED AS TO FORM:

Brian Pierik
City Attorney

Exhibit A: Final Map AT 02-278



