

RESOLUTION NO. 44-2021

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PACIFICA APPROVING TEMPORARY CONSTRUCTION EASEMENTS FOR THE PROPERTIES LOCATED AT 1407 SERRA DRIVE AND 1411 SERRA DRIVE AND ACCEPTING INTEREST IN REAL PROPERTY RELATING TO THE PROJECT AND AUTHORIZING CITY MANAGER TO EXECUTE AND RECORD CERTIFICATES OF ACCEPTANCE AND THE TEMPORARY CONSTRUCTION EASEMENTS

WHEREAS, In January 2017, the property located at 1411 Serra Drive was impacted by a landslide to the rear of the property due to high flows from San Pedro Creek and heavy rainfall; and

WHEREAS, the City maintains storm drainage improvements located within the boundary of the 1411 Serra Drive property that were affected by the incident; and

WHEREAS, pursuant to a Mutual Release and Settlement Agreement between the City and the owner of 1411 Serra Drive, the City agreed to repair its improvements (i.e. the outfall pipe and any of its associated facilities, equipment and/or improvements that may need repair) that are located to the rear of the 1411 Serra Drive property and adjacent to the San Pedro Creek; and

WHEREAS, on August 12, 2019, the City Council approved a Consultant Services Agreement between the City of Pacifica and Woodard & Curran for the Design and Environmental Services phase of the Serra Drive Outfall Repair Project ("Project"); and

WHEREAS, on May 24, 2021, via Resolution 28-2021, Council adopted the Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program, Plans and Specifications and authorized the bidding for the Project. The City Council also authorized the City Manager to award and execute a construction agreement in an amount not to exceed \$463,100, among other approvals; and

WHEREAS, prior to the start of construction a Temporary Construction Easement is required to gain access to the project site at 1407 Serra Drive and 1411 Serra Drive property; and

WHEREAS, California Government Code Section 27281 provides that deeds or grants conveying interests in real property to a governmental agency for public purposes will not be accepted for recording absent a certificate or resolution of acceptance by the governing body of the entity attached to the document.

NOW, THEREFORE BE IT RESOLVED by the City Council of the City of Pacifica as follows:

1. The above recitals are true and correct and material to this Resolution.

2. In making its findings, the City Council relied upon and hereby incorporates by reference all correspondence, staff reports, and other related materials.

BE IT FURTHER RESOLVED that the City Council hereby approves the temporary construction easements for 1407 Serra Drive and 1411 Serra Drive and accepts the interest in real property and directs the City Manager, on behalf of the City of Pacifica pursuant to the terms of California Government Code Section 27281 to execute certificates of acceptance accepting interests in real property and directs the City Manager or their designee to record the temporary construction easements along with the certificate of acceptance with the County of San Mateo.

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PASSED AND ADOPTED at a regular meeting of the City Council of the City of Pacifica, California, held on the 9th day of August 2021, by the following vote:

AYES, Councilmembers: Beckmeyer, Bier, Bigstych, Vaterlaus.

NOES, Councilmembers: O'Neill

ABSENT, Councilmembers: n/a.

ABSTAIN, Councilmembers: n/a.




Sue Beckmeyer, Mayor

ATTEST:



Sarah Coffey, City Clerk

APPROVED AS TO FORM:



Michelle M. Kenyon, City Attorney